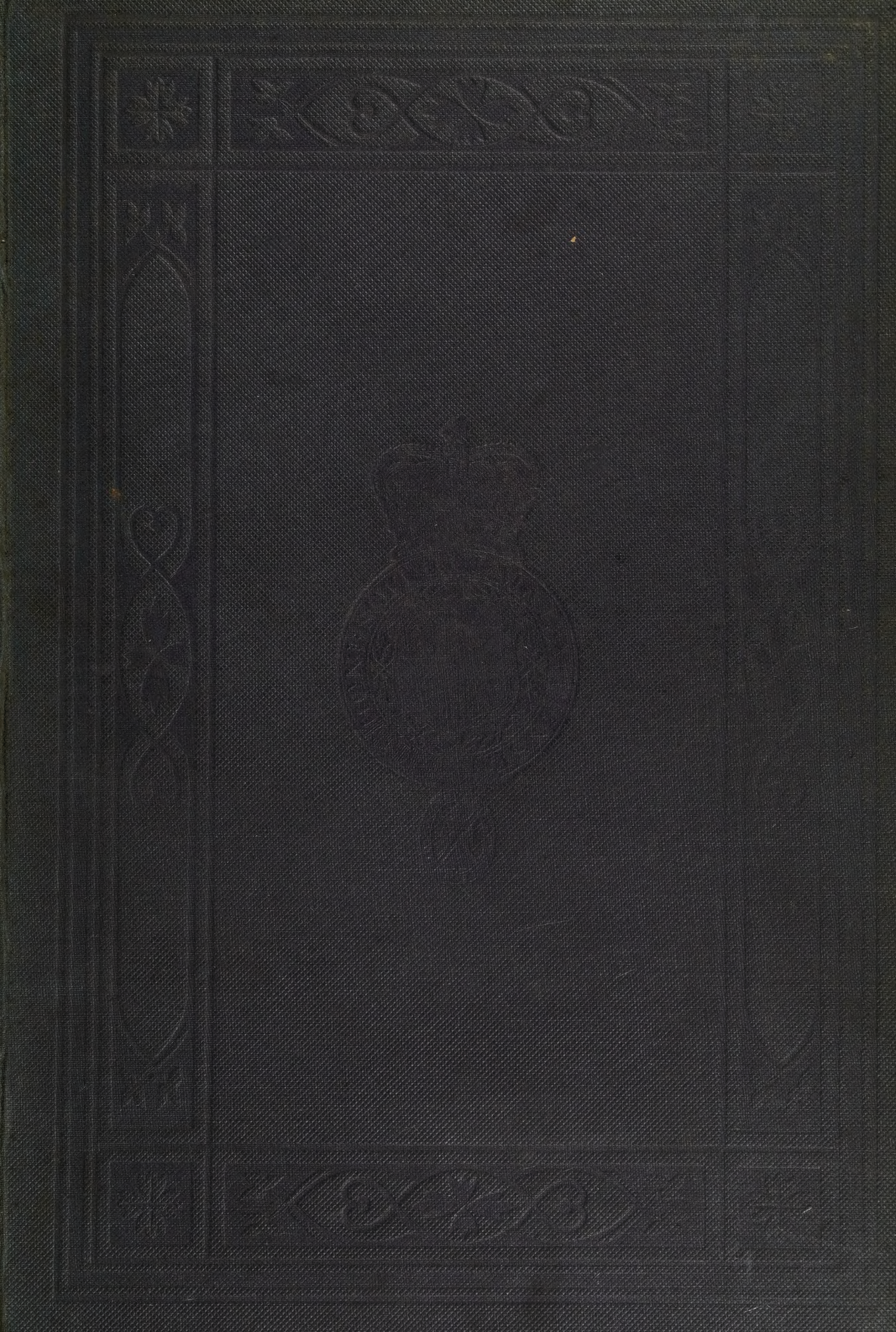

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY

DAVID MASSON, LL.D.,

PROFESSOR OF RHETORIC AND ENGLISH LITERATURE IN THE UNIVERSITY OF EDINBURGH.

VOL. IV.

A.D. 1585—1592.

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INTRODUCTION.

THE present volume comprises the Register and all relative Privy Council documents through the seven years from August 1, 1585 to July 31, 1592. The first 774 pages are from the regular or principal manuscript Register, entitled ACTA SECRETI CONCILII, and consist, as before, of intermixed *Acta proper* or *Political Edicts*, *Decreta* or *Judicial Decisions*, *Acta Cautionis* or *Acts of Caution*, and *Bands* or *Registrations of Bands*. The remainder of the contents may need a little explanation :—

I. ADDITIONAL ACTS OF CAUTION.—The few entries under this title, from p. 775 to p. 778, are not from the regular or principal Register, but from two separate manuscript volumes expressly entitled *Acta Cautionis*. The mixing up of Acts of this sort, many of them of a private nature, with the general ACTA of the Council having been found inconvenient, the clerks began at last, whether by direction or of their own accord, to register the cautions, or some of them, apart. It was not till after our present period that this separate registration of cautions became the habit; and, though there are two volumes of separate *Acta Cautionis* dated from 1591 onwards, they yield but eight straggling cautions for the eleven months between September 1591 and August 1592 to be added to the vast mass of cautions entered in the old way in the General Register for the entire seven years ending with those eleven months. In view of future volumes, however, where the cautions will detach themselves more and more from the rest of the Privy Council matter, it has been thought right to give these cautions a place by themselves.

II. Ordinances and Acts anent the Borders and the North.—These, extending from p. 779 to p. 814, are from a separate Register, bearing the title *Acta penes Marchiarum et Insularum Ordinem*, and containing minutes under that name from June 1590 onwards. The causes and circumstances of this separation of the business of the Borders and Highlands, or of certain portions of that business, from the rest of the business of the Privy Council from and after the date mentioned will be explained farther on.

III. Miscellaneous Privy Council Papers.—These, occupying pp. 815–834, consist of a number of documents of various kinds, including one or two letters and minutes of one or two criminal examinations, appertaining directly or indirectly to the business of the Council. The originals are at present in the form of so many loose papers arranged in portfolios, but will be bound, for reference, in the order in which they are numbered in these pages.

The seven years of Scottish History embraced in the present volume extend from the twentieth year of the age of King James VI., being the nineteenth of his reign, to the twenty-seventh year of his age, being the twenty-sixth of his reign, and the third of his married life with Anne of Denmark. They may be divided politically into three sections, as follows:—I. The Wreck of the Arran Supremacy, from July 1585 to November 1585; II. The Coalition Ministry of the Restored Lords, from November 1585 to August 1587; III. The Chancellor-Premiership of Maitland, from August 1587 onwards.

Wreck of the Arran Supremacy.

August 1585—*November* 1585.

Our last volume ended at a critical moment. For two years Scotland had writhed under the supremacy or dictatorship of that extraordinary brother-in-law of John Knox, James Stewart, Earl of Arran, whom the Presbyterian historians, and indeed Scottish historians in general, all but refuse to remember by his

title of nobility, and have degraded back, as was done even in his own lifetime, into his original rank of Captain James Stewart, with various appended epithets of contempt and execration. At last, at the very acme of his power, when there had been concluded, in a Scottish Convention of Estates at St Andrews, that agreement for a permanent League with England which he hoped to manage for his own interests, an accident had overwhelmed him. The murder of Lord Russell, as the English agreed to call the casual slaughter of one of their most distinguished young noblemen in a fray on the Scottish border on the 27th of July 1585, had come most inopportunely to interrupt the arrangements for the League with England. It had been represented by the English ambassador, Wotton, as a deliberate outrage, planned by Arran and executed by Ker of Fernihirst; and, till the matter should be investigated, James had been obliged to commit Arran as a prisoner to the Castle of St Andrews. From that moment (July 30, 1585) the constitution of the future government of Scotland depended on the issue of the correspondence between the two kingdoms on the subject of the slaughter of Lord Russell. Would James succeed in pacifying Elizabeth without bringing Arran to trial or dismissing him from power? If not, would the resentment of Elizabeth carry her so far that she would resort at last to that method of precipitating a revolution in Scotland which she had for some time been pondering, but had hitherto kept in reserve? Would she at last execute her threat of "letting slip" those banished Scottish lords and clergy of the Presbyterian party,—Angus, Mar, the Master of Glammis, Mr Andrew Melville, and the rest,—to whom she had been affording a kindly refuge in England since they had been proscribed and expatriated, in order that, in conjunction with the two great Hamiltons, exiles of older date and on different grounds, they might return to Scotland, avail themselves of Lord Maxwell's independent revolt on the Borders against the Arran administration, and so be able to burst through into the inner Lowlands, rouse all the native elements of opposition there, and compel the King to a change of rule? In that case, how would James behave? Would his sense of the importance of the English alliance

to himself, involving as it did not only present subsidies from Elizabeth, but also the chances of his succession to the English throne, induce him to smother his chagrin and accept the revolution forced upon him? Or, his passionate attachment to Arran and his hatred of the Banished Lords overcoming all other feelings, would he recall Arran to his counsels, and stand up, with that terrible favourite by his side, in defiance of England, and in defence of the system of government which, so much to his satisfaction, the energy of that favourite had established in Scotland? These were the questions through the months of August, September, and October 1585,—first at St Andrews, where the Court remained till the 8th of August, but after that date at Stirling. It seemed significant of James's intention in the crisis that on the 6th of August he released Arran from his ward in the Castle of St Andrews, and remitted him to nominal seclusion in his own house of Kinneil.

Meanwhile the formal administration was in the hands of the Privy Council as it had been left by Arran's retirement. The fourteen recorded sederunts of this body, at St Andrews and Stirling, through the three months under notice show the most regular attendants to have been Sir John Maitland of Thirlstane, *Secretary of State*, and Alexander Hay of Easter Kennet, *Lord Clerk-Register*. They were present in every recorded sederunt. Next in regularity were the Earl of Montrose, *Lord Treasurer*, absent but once, Sir Lewis Bellenden, *Justice-Clerk*, and Sir Robert Melvill of Murdocairny, *Treasurer-Depute*, absent but twice, the Master of Gray, absent but thrice, and Lord Doune and the Commendator of Dryburgh, absent four times; after whom, in the order of frequency of attendance, come Colonel William Stewart, Commendator of Pittenweem, and Andrew Wood of Largo, *Comptroller;* while the Earl of Rothes, the Earl of Crawford, *Privy Seal* Blantyre, and Meldrum of Seggie, are recorded as but twice present, and Lord Seton and the Commendator of Culross but once. The King was himself present in four of the sederunts. The peculiarity of this wreck or residue of the Arran ministry after Arran had been removed from it was that perhaps the majority did not want to see Arran back among

them at all. Montrose, Crawford, Colonel William Stewart, and one or two of the others, adhered to Arran; but Secretary Maitland, Justice-Clerk Bellenden, and others were secretly in favour of that plot for a change of Government by the return of the Banished Lords which the subtle Master of Gray had been daringly negotiating with Elizabeth. The Master of Gray was, in fact, the moving spirit of the crisis. It was a game of life or death between him and his former friend and patron Arran. Should Arran recover power, the Master of Gray knew what he had to expect.

The proceedings of this divided and strangely-situated Council occupy pp. 1–30 of the present volume. Most of the entries in these pages are of a routine kind, relating to such current matters of judiciary and administration as could not be neglected even in a political crisis. One observes, as of chief interest among these, the orders occasioned by the continuance of the plague in different parts of Scotland at pp. 1, 6, 8, 15, and 26, the order for a proclamation against Jesuits at p. 2, the arrangement for payment of the wages of the King's guard at p. 5, the decision in the matter of the right of fishing in the Clyde lochs given at p. 16, and the decision at p. 22 in the complaint of Eustachius Roghe, tacksman of the mines. The real drift of affairs, through these miscellaneous orders, is to be studied, however, in a series of entries mixed with them. It is to be studied first in the two entries at pp. 1 and 4, relating to Arran and the English charge against him of complicity with the Laird of Fernihirst in the murder of Lord Russell; then in the subsequent entries at pp. 13 and 21, relating to the armed musters ordered by the King and Council for resistance to Maxwell's insurrection on the Borders, and to the expected conjunction with him of the Banished Lords from England; and finally in the entries at pp. 27–30. In these last one becomes aware that the Banished Lords are already within Scotland and on their march to Stirling, and that Arran, breaking from his nominal ward at Kinneil, has rushed to the King's rescue, taken his place once more as Chancellor at the head of the Privy Council, and resolved to do battle for the perpetuation of his supremacy. The necessary elucidations of the entries in succession will be

found in footnotes at pp. 4–5, 13, 22, 27, and 31–32. Suffice it here to say that all Arran's efforts ended in collapse, and that on the 4th of November 1585 that revolution was effected, at the expense of a mere skirmish and a few shots in the streets of Stirling, which compelled the King to accept the Banished Lords as the chiefs of his future ministry, and to leave Arran and his dispersed accomplices to the judgment of the victors. It is here also that Scottish History has to take leave of Arran. Although there was to be no such capital vengeance against his person as had been expected, although he was to live for eleven years beyond the present date, and although he will still be heard of at intervals in the pages of the Register, he relapses suddenly from this point into that private Captain James Stewart of Ochiltree whose course of blazing magnificence for five years in public affairs, four of them under his usurped title of Earl of Arran, was to remain a wonder in the Scottish annals. There is something surprising in his apparently easy acquiescence in the life of privacy that had been forced upon him, and one follows him and his famous or infamous wife into their retirement with the feeling that the story of their domestic occupations in their last years, were there materials for it, would be full of quaint old Scottish interest. Their chief residence in their seclusion was in Ayrshire; and, from what is known of Arran, one imagines that, with books for his recreation, as well as field-sports, he may have passed his time there comfortably enough.

The Coalition Ministry of the Restored Lords.

November 1585—*August* 1587.

It was on the 4th of November 1585 that John, Lord Hamilton, Archibald, Earl of Angus, John, Earl of Mar, Thomas Lyon, Master of Glammis, and a number of others, their adherents, whom the King had been denouncing in recent proclamations as rebels and traitors, presented themselves before his vanquished Majesty at Stirling, and were received as his loyal and meritorious subjects, the instruments of a happy revolution. On the

7th the four above-named leaders of the revolution were admitted of the Privy Council; and in the Parliament which met at Linlithgow, from December 1 to December 10, to ratify the revolution and the vote for a League with England, and to pass the necessary Acts of restoration and retaliation, the Council and Ministry of the new Government were formally constituted by the nomination of the twenty-one other persons that were to co-operate with those four returned Lords. A good many of these were noblemen and officials continued from the late Council, as having abetted the revolution or as willing to accept it; but there were some new appointments. For the complete list of the twenty-five Councillors as it stood in December 1585 see p. 36, footnote,—adding the name of Mr Robert Douglas, Provost of Lincluden, *Collector-General*, to the official part of the list there given. The Register records the subsequent admission of three more Councillors,—Mr Peter Young, the King's eleemosynar and former sub-preceptor, on the 10th of November 1586; Sir John Seton, Great Master of the Household, on the 27th of January 1586–87; and Mr Patrick Vans of Barnbarroch on the 21st of April 1587. In and from July 1586 Francis Stewart, Earl of Bothwell, is found present sometimes in the Council meetings, apparently as a regular member by the King's favour, though there is no record of his formal appointment; and the Earls of Montrose and Crawford, after having been in eclipse for a good while as adherents of Arran, are found resuming their attendances in Council, also apparently as authorised members, in May 1587. The sederunts, moreover, occasionally note the presence at one or more meetings of other persons, who do not seem to have been formal members in any sense.

A study of the sederunts is of some consequence, as showing who were the most active members of Council through the one-and-twenty months of this Coalition Ministry. Of the Returned Lords themselves, Hamilton, and his brother, Lord Claud Hamilton, now again Commendator of Paisley, seem to have been content with but a distant or fitful influence; for in the seventy or more recorded sederunts of the entire period Hamilton is found present but seven times and his brother Claud but

twelve times. So also the Earl of Huntly, Earl Marischal, the Earl of Rothes, Lord Herries, and the Commendator of Deer, all nominated on the Council by the Linlithgow Parliament, are but seldom in their places at the Council Board. The Earl of Morton (Lord Maxwell), whose independent insurrection on the Border had contributed to the revolution, and who had consequently been included in the new ministry, and might, as one of the new ministers and warden of the West March, have been a powerful man in the realm, appears but at one meeting of the Council, that of the 11th of December 1585, and then disappears. The reason, as explained in a footnote at p. 54, was a sudden exhibition of his Roman Catholic proclivities in Dumfriesshire, which obliged his colleagues to disown him, put him in ward for a while, and then license him to go abroad. The Master of Gray, though not so frequently present as might have been expected from the part he had played in the overthrow of Arran, is found present, either under the name of Master of Gray or under his new title of Abbot of Dunfermline, in about fifteen of the recorded sederunts as far as to May 1587. Patrick Adamson, Archbishop of St Andrews, appears in the Council but six times. Ten of the original members of the Coalition Ministry being thus accounted for, there remain the following fifteen as the most constant and assiduous members through the twenty-one months:—the Earl of Angus; the Earl of Mar; the Master of Glammis, *Treasurer;* Sir John Maitland of Thirlstane, *Secretary;* Sir Robert Melvill of Murdocairny, *Treasurer-Depute;* Sir Lewis Bellenden, *Justice-Clerk;* Alexander Hay, *Clerk-Register;* Walter Stewart, Prior of Blantyre, *Privy Seal;* Adam Bothwell, Bishop of Orkney; Mark Ker, Commendator of Newbattle, *Master of Requests;* Alexander Colville, Commendator of Culross; Alexander Seton, Prior of Pluscardin; Andrew Wood of Largo, *Comptroller;* Robert Douglas, Provost of Lincluden, *Collector-General;* and Sir James Home of Cowdenknowes, Captain of the Castle of Edinburgh. Even of these fifteen some were much more regular than others. The least frequently present among them were the Earl of Mar and the Commendator of Culross; the most frequently present were Angus, Glammis, Secretary Maitland, the

Justice-Clerk, the Clerk-Register, the Prior of Blantyre, the Bishop of Orkney, the Commendator of Pluscardin, the Collector-General, and Sir James Home. By far the most constant of all, however, was Secretary Maitland. He is much more regular than even the Clerk-Register, who had to take the minutes of the meetings, or Angus and Glammis, who were considered the heads of the Ministry. Indeed, it does not appear that Secretary Maitland was absent from a single meeting through the whole of the one-and-twenty months. This was significant of his growing power and importance. More than Angus, more than Glammis, it was Maitland of Thirlstane that was the man of business of the Council, with the perfect grasp of all its affairs. It was in recognition of this fact that, within eight months after the formation of the new ministry, he received an increase of dignity. The great office of Chancellor of the Kingdom, recently held by Arran, having been declared vacant by an Act of the Linlithgow Parliament, was allowed to remain vacant; but, on the 31st of May 1586, Secretary Maitland was made Keeper of the Great Seal for life, with the subordinate title of *Vice-Chancellor*, still retaining his Secretaryship. He first appears in the Register with his title of *Vice-Cancellarius* in the sederunt of June 29, 1586 (p. 85), but is sometimes styled merely *Secretarius* even after that date.

From this description of the constitution of the Council and the rates of the attendances of the members, it will be seen that, though the Government which succeeded the Arran supremacy was really, as we have called it, a Coalition Ministry, uniting various and even discordant elements, yet the distinctive core of it was the restored remnant of the Reform or Ruthven-Raid Government of August 1582–July 1583. The Ruthven Raiders, one may say, had come back into power. The very chief of the new Government, gracefully allowed that position by the Hamiltons after they had come back to Scotland with him, was the popular and Presbyterian Earl of Angus, known as "the good Earl"; the Earl of Mar, another of the Restored Lords, had been one of the leaders in the Ruthven Raid; next to these two, and in the high office of *Lord Treasurer*, was the Master of Glammis,

also one of the actors in the Ruthven Raid, and remembered to this day, by those who know nothing else about him, for his stern detention of the captive boy-king on that occasion, and his phrase "*Better bairns greet than bearded men*" when the King burst into tears; and, besides these, others of the original Ruthven Raiders or of those who had been in the Ruthven Raid Government were now again of the Council. What was to be expected, therefore, from this new Coalition Ministry of the Returned Lords, which it might be hardly wrong to call the Angus Administration or the Angus-Glammis Administration, was substantially a revival of the Ruthven Raid policy. There was to be expected, more especially, a removal from the Statute-book of all Arran's late Acts in favour of Episcopacy and Royal Prerogative in Kirk matters, with perhaps an establishment of the Kirk at last on the strict Presbyterian basis schemed out by Andrew Melville and his colleagues. This expectation was actually entertained at first, and there was much disappointment when it became evident that it would not be fulfilled. See footnote, pp. 35–37, where the causes are explained. The chief was the young King's own determination. In his twentieth year when he had to part with Arran and accept the new Ministry of the Restored Lords, he could make his formed opinions in favour of Episcopacy felt by his new Ministers, all the more because some of even the most Presbyterian among them were by no means disposed to yield to all the demands of the Presbyterian clergy, or to hurry Kirk matters till they were themselves "sattled in their own places." Angus, the sincerest and most high-minded Presbyterian of them all, had to waive his own dearest desires and bow to circumstances; and the Master of Glammis, whose "*Better bairns greet than bearded men*" lives in the historical memory as if he had never said anything else in the world, had become so much of a courtier that the Presbyterian clergy were circulating, as Glammis's last, his confidential communication that they must not "*thraw*" the King in Kirk matters, or in any others, but must lead him gently. Hence, through the whole time now under notice, there was no repeal of Arran's violent Anti-Presbyterian statutes, no

effort to substitute the Presbyterian for the Episcopal model, but only a lenient Kirk-administration, with a cessation of persecution of the Presbyterian leaders, a restoration of Andrew Melville and others to their places in the Kirk and the Universities, and a moderate attention to the requests of the Kirk for better pecuniary sustentation and for the support of her spiritual authority over the subjects by civil enactments. Archbishop Adamson, as we have seen, was a Privy Councillor through the whole time, and attended the Council occasionally; and the Bishop of Orkney was one of the busiest and steadiest of the Councillors. King James himself was present in sixteen out of the seventy recorded sederunts of Council during the twenty-one months, as well as in several Conventions of Estates through that period, and took a special interest in business relating to the Kirk and the Clergy.

For the first sixteen of the twenty-one months, or from the beginning of November 1585 to the end of February 1586–87, the most interesting of the miscellaneous proceedings of the Council may be indicated as follows:—At pp. 39, 40, the reader will find the beginnings, and at p. 107 the continuation, of the celebrated case of Mr James Gibson, minister of Pencaitland, who had given grievous offence to his Majesty by bold political speaking in the pulpit. Other entries relating in one way or another to the Church will be found at pp. 52 (where see footnote), 60–61, 62, 77, 91, 102, and 107–108. Important orders relating to Revenue and Crown property will be found at pp. 58, 80, 89, 101, 109–110, 134, and 138, while at pp. 37 and 127 will be found special orders relating to the Mint and Coinage, and at pp. 84, 104, 116, and 139, some illustrations of the peculiar Political Economy of those days in matters of production and trade. At p. 83 there is an order occasioned by the continuance of the Plague in and about Edinburgh as late as June 1586, or six months after the Court had returned thither from Stirling and Linlithgow. Among the numerous judicial decisions or orders in administration of justice, see one at p. 34, in the case of Lord Ross, charged with robbery and outrage on women; one at p. 49 against the Earl of Crawford and others; one at pp. 66, 67, in the case of a suit by a foreigner against the Earl of Cassilis and his Tutor for

an old family debt; one at pp. 70, 71, relating to defaulters to the revenue and other rebels at the horn; one at p. 72 in a case of breach of promise of marriage; one at p. 79 in the suit of two Norwegians against two Leith merchants for the price of a ship; one at p. 86 in an action of the Countess of Argyle against the Earl of Huntly anent the right of salmon-fishing on the Spey; one at pp. 94, 95, relating to the pursuit of certain Cunninghams for the murder of Hew, Earl of Eglinton; two at pp. 117, 118, in cases of assault on ministers of the Gospel; and one at pp. 119, 120, in an action of the King's Guard against a tax-collector for arrears of their wages. The Borders, as usual, gave the Council incessant trouble. Orders relating to them, or to particular cases of violence in them, may be read at pp. 41, 45, 46, 55, 57, 63, 68, 69, 76, 81, 84, 89, 96, 98, 106, and 109. Some of these orders reintroduce us to the turbulent Lord Maxwell, Earl of Morton, again exercising or trying to exercise his old wardenry of the West March, and carrying on, as before, his hereditary feud with his rivals, the Johnstons; and at p. 108 Lady Johnston of Dunskelly figures independently, as the subject of a mysterious charge of lesing-making, farther explained at pp. 111, 112. A crisis in the history of the Borders is represented in the Act at p. 111, appointing the Earl of Angus his Majesty's Lieutenant and Justiciary over the whole of the Borders, and in the subsequent orders and entries at pp. 114, 124, 132, and 146–148, relating to the Earl's proceedings and their results, more particularly in the East and Middle Marches. There is less about the Highlands than about the Borders in this part of the Register; but entries relating to the Highlands occur at pp. 65, 69, 70, 92, 99, 114, 121–123, and 123–4,—the last two of no small importance. The feud of the great Earl of Huntly with the Earl of Atholl is heard of at pp. 121, 131, and 149–150; and at p. 103 there is an interesting prior entry concerning Huntly's approaching marriage with the King's "deir consignace," the young sister of the Duke of Lennox. At p. 113 Mr Peter Young returns from his mission to Denmark, and reports his negotiations in the matter of the King's own proposed marriage with a daughter of the Danish King.

The restoration of the Banished Lords having been also the restoration of the traditional party of the English alliance, the animosity of Queen Elizabeth against Arran and Fernihirst on account of the death of Lord Russell had gradually died away or been appeased; and, the League between the two kingdoms, which had been voted in the Convention of Estates and approved by the Linlithgow Parliament, having been formally settled and concluded in so many specific articles, on the 5th of July 1586, by the English and Scottish Commissioners who had met at Berwick for the purpose (see footnotes at pp. 81 and 86), there seemed to be no reason why Scotland and England should not thenceforth go on together in amity till James should succeed Elizabeth and unite the crowns. In October 1586, however, there came a tremendous strain on the new League by the trial and condemnation of Queen Mary at Fotheringay Castle, Northamptonshire, on charges of complicity with Babington's conspiracy for the assassination of Elizabeth and the re-establishment of Roman Catholicism in England. Although this matter of Queen Mary's trial had been occupying James and his Councillors for some time, and two Scottish agents, Mr Archibald Douglas and Mr William Keith, had been already exerting themselves in London in Mary's behalf, it is not till the 20th of December 1586, when Mary was lying a prisoner under doom of death, and her execution depended on the mere will of Elizabeth, that the awful subject makes its appearance in the Register. What was done on the subject that day, and at several subsequent meetings of Council, or of larger representations of the lieges, at Holyroodhouse, in January and February 1586–87, may be learnt at pp. 129, 135–137, 140–142, and 143, 144. The proceedings summed themselves up practically in three actions:—(1) the despatch of the Master of Gray and Sir Robert Melvill of Murdocairny as special ambassadors to London to remonstrate with Elizabeth; (2) an injunction by the King and Council to the Scottish clergy to offer up prayers for Queen Mary's life and spiritual welfare in a prescribed form of words; (3) a vote of a voluntary taxation by the different Estates, the nobles and prelates leading the way and the lairds and burghs expected to follow, for raising

money to be at the King's disposal for his mother's relief, whether by the method of embassies to foreign powers in her behalf, or by more emphatic and armed demonstration. All was too late. On the 8th of February 1586-87, when the Master of Gray, Melvill of Murdocairny, and William Keith had returned from London and were reporting to the King and Council the unsatisfactory results of their mission and their fears that the last extremity was inevitable, that extremity had been already reached. On the forenoon of that day Queen Mary was beheaded in Fotheringay Castle. The deed was shrouded in secrecy, and it was some time before the news spread in Scotland.

The execution of Queen Mary had an extraordinary effect on the relations between Scotland and England. Not only was there a natural rousing of fury among the Scottish lords who were openly or secretly Roman Catholics, and among all in Scotland who had a lingering regard for the old religion; but even among the Protestant lords, lairds, and commons, there was a shock of anger, with a spasm of shame and offended patriotism. Bothwell and the two Hamiltons were the chief spokesmen of this feeling, and were eager for a declaration of war. The party of the English Alliance was sensibly weakened; it became uncertain whether the Angus-Glammis-Maitland Government would be able to hold together; it needed all the wariness of Maitland and the other chiefs, with the King's own prudent mindfulness of his future interests in England, to maintain even a semblance of the *status quo ante* with Elizabeth, and prevent a lapse into the policy of the French Alliance. The only part of the population that stood firmly by the League with England after the shock of Queen Mary's execution were the extremely zealous Presbyterians, as represented by the Presbyterian clergy; and, unfortunately, *their* opinions in the crisis were made manifest in ways which were independently offensive to the King, and of which he was bound to take notice. The Presbyterian clergy had not been unwilling to pray for Queen Mary, or even for the preservation of her life, if they had been left to choose their own language in doing so; but they had objected to the ordinance requiring them to do so by State authority and in a prescribed

form of words, partly because this was against their ecclesiastical principles, and partly because they were thus to be debarred from expressing their private views on the question of Mary's guilt in the recent English conspiracy, and from commenting freely also on her former delinquencies in Scotland. On the 3rd of February, while Queen Mary was still alive, an instance of this disobedience of the Presbyterian clergy to the ordinance in her behalf, and of their determination to avail themselves of the opportunity for open and free speech in their pulpits on all matters of current politics, was brought before the Council in the case of Mr John Cowper, abetted by Messrs Walter Balcanquhal and William Watson (p. 142). Cowper was committed to ward in Blackness Castle, and Balcanquhal and Watson were suspended from the ministry; and, five days afterwards, on the very day of Mary's execution, an act of Council was passed for curbing the licence of political comment claimed by the clergy, with special application to Cowper and to that Mr Gibson of Pencaitland whose former similar offence the King still remembered bitterly (pp. 143, 144). Even after the execution the ordinance for prayer on behalf of the King's mother remained a subject of rankling between the King and the Clergy.

The Register for the five months between February 1586-87 and the end of July 1587 contains some remarkable illustrations of these perturbing effects of Queen Mary's execution on the state of Scottish politics. There are, of course, during those five months, orders and acts of mere routine business, including various administrative and judicial Acts of considerable importance. There are Revenue acts and orders, as at pp. 180 and 185; there is an economic act, at p. 159; there are acts and orders relating to the Borders, and to the continued results of Angus's lieutenancy there, at pp. 156, 158, 183, 188, 189, 196, 197,—one of these acts exhibiting Lord Maxwell as deposed from his Wardenry of the West March and ordered into exile, another exhibiting Lord Herries as his successor in the Western Wardenry, and a third exhibiting Bothwell in the charge of Liddesdale; there is an interesting Act at pp. 159, 160, referring to a feud between two Highland clans; there is an Act at p. 163 relating to the

Bishopric of Dunblane, with one at p. 174 proclaiming a General Assembly of the Kirk; and at p. 187 there is a curious judicial Act, relating to a Thomas Dempster of Auchterless, of whom there are previous mentions in the Register. But it is to certain minutes mixed with these that the student of the political history of Scotland will more particularly attend:—At pp. 157, 158, the degraded Arran, styled "Capitane James Stewart, late Chancellair," flashes out again in an abortive attempt, in March 1587, to upset the existing Government by accusations against its chiefs, Angus, Mar, Glammis, and Maitland, Far more successful was the impeachment, not long afterwards, by Sir William Stewart, Arran's brother, and probably by Arran's motion and scheming, of one of the most conspicuous members of the Government. For the story of this impeachment of the Master of Gray on various and complicated charges of conspiracy and treason, the last and most infamous being that of diabolical connivance with Queen Mary's death in the very mission on which he had been sent to plead for her life, see the entries at pp. 164–166, and pp. 166–169, and the footnotes to those pages. Observe, too, the entry at p. 169, reverting to Arran's prior and abortive attack on the chiefs of the Government collectively, and seeming somehow to connect that attack with this impeachment of Gray by Arran's brother. But, while Angus, Mar, Glammis, and Maitland had emerged from Arran's impeachment as honest men, the Master of Gray had been found out and exposed as one of the falsest of the human species. On the 15th of May 1587 he stood before his colleagues and a Convention of Estates as a ruined and fallen man, a miscreant by proof and by his own confession, fit only for the scaffold. From that doom he was spared by the intercession of those who had found him guilty, especially Lord Hamilton; and at p. 173, under date May 23, may be read the Act of Caution which enabled him to go and hide his shame abroad. See also p. 180, footnote. Even infamy such as Gray's, however, did not easily in those days extinguish a Scottish layman of his rank; and, though he never recovered his influence, he will be found again in Scotland, even within the bounds of this volume, and sitting at the Council Board. If he is more infamous

now in Scottish history than any of his contemporaries, it is less for that trafficking with foreign powers of which he was convicted, or for his having plotted the assassination of Maitland and others of his colleagues in the Government of the Restored Lords, than for the singular heartlessness of his treachery to Queen Mary after having served her and been deep in her confidence, and for the cool hardihood of the phrase in which he conveyed to Elizabeth his private opinion that, if she chose to put Mary to death, it might possibly save trouble. "*Mortui non mordent:* The dead don't bite," he had said and repeated; and some have found in the phrase an expression of Gray's profound Sadduceeism in religion as well as of his political cynicism.—In the same month of May 1587 which is marked by the fall of the Master of Gray may be noted the conclusion of the case against two ministers of Aberdeen, Mr Peter Blackburn and Mr William Leask, delated before the King and Council for contumacy in the matter of the ordinance for public prayers for the late Queen. See pp. 170–172, in connection with a previous entry at p. 155. The lenient ending of this case suggests that by this time the passion of the King on the subject of his mother's death had much abated. The same is to be inferred from the fact that, though in March it had been resolved to send two embassies to foreign powers (p. 164, footnote), one of these embassies had been postponed. While the marriage embassy to Denmark was urged on (p. 169), and Vans of Barnbarroch departed on that embassy on the 31st of May (p. 182, footnote), Sir William Stewart, who had been nominated as Ambassador to France, and who had distinguished himself in the interval by his impeachment of the Master of Gray, was still detained at home.

King James attained the full age of twenty-one years on the 19th of June 1587. There had been much anticipation of the happy day by the King himself and by the public, as if, though he had for some years been practically sovereign already, his completed majority would enable him still more effectively to assume the mastery of his kingdom. See footnote at pp. 168, 169, for the account of the King's extraordinary efforts to convert that Convention of May 10–15 which had condemned the Master

of Gray into an occasion for reconciling, by banquets and public masquerades in the streets of Edinburgh, the chief standing feuds among his great nobles, and so inaugurating a new era of peaceful and constitutional Government; and see at p. 185, with the footnote there, his continued demonstrations to the same effect at another Convention early in June. It was symptomatic of the same intention to signalise his coming of age as a real epoch in his reign that a General Assembly of the Kirk had been called for the 20th of June, the day after the important birthday (p. 174), and that a Parliament was to meet on the 8th of July. The birthday having passed, the General Assembly did meet in Edinburgh, with greater liberty and dignity through its seventeen sittings than kirkmen had been allowed for some years (pp. 190, 191, footnote); and the Parliament duly followed at Holyrood House. Respecting this Parliament of July 8–29, 1587, and its proceedings, see pp. 194, 195, p. 198 with footnote, and pp. 201, 202, where there is an abstract of two of its most important Acts,—that for the annexation of all Church property to the Crown, and that for the future representation of the Lairds or Small Barons in Parliaments. Appointing, as usual, the new Privy Council that was to hold office till the next Parliament, it also ratified the promotion of Sir John Maitland of Thirlstane from the mere Vice-Chancellorship in conjunction with the Secretaryship to the full Chancellorship of the kingdom in conjunction still with the Secretaryship. From this date, therefore, what we have called the Coalition Ministry of the Returned Lords is at an end, and the Chancellor-Premiership of Maitland begins.

The Chancellor-Premiership of Maitland.

August 1587—*July* 1592.

The new Premier, Sir John Maitland of Thirlstane in Berwickshire, was the second son of that Sir Richard Maitland whose long life of celebrity in the public business and the literature of his country had ended only in March 1585–86, and the younger brother of that still more famous William Maitland of

Lethington, Secretary to Queen Mary, whose suicide in 1573, to avoid a public death on the failure of his last exertions for Mary, had been the Roman close of a most remarkable career. For the previous life of the surviving representative of this able family, first when he was the youthful Keeper of the Privy Seal and a Lord of Session in the infancy of King James, then in his stage of Marian partisanship from 1570–73, then through his period of retirement and eclipse under the sway of Regent Morton, and finally from his rehabilitation and restoration to public employment in 1581 after the fall of Morton, we may refer to Vols. II. and III. of the Register as already edited, and to the portion of this volume preceding our present date. He was now forty-two years of age, and ripe in all the experience that fitted for the part he had undertaken for the rest of his life. That was to be constitutional Prime Minister to King James, guiding the King as much as possible while obeying him and yielding to him, keeping such order in Scotland as the habits of the population and the wranglings and ambitions of the great nobles would permit, and faithful always to the Reformed Religion as established, and to that moderate good understanding with England which was equally essential to the interests of the Scottish nation and to those of James himself as the probable heir to Elizabeth. To ability and indefatigable powers of work he added personal and social qualities which recommended him to James, and enabled him to meet and even to make light of some of the more nettling difficulties of his position. He was of literary tastes, and had written Latin epigrams and an English satire "Aganis Sklanderous Toungis"; and he had a tongue of his own which kept his enemies among the nobles in dread. Tradition tells of the "immoderate" jests and sarcasms with which he would sting and punish those who thwarted him, and also of his habit of carrying facetiousness to excess, even in the hours of business, but adds that, out of business hours, he was genial, easy, urbane, and with a delightful mixture of the jocose and the grave in his conversation. "The wisest man in Scotland" was the character of him given by the English Lord Burghley. His premiership was to last, with some interruptions, till his death on the 3rd of October

1595. It is with the first five years of it only that we are concerned in this volume.

The following conspectus of the individuals composing the Scottish Privy Council through those five years, and of the rates of their attendances, ought to be instructive. It is compiled from the recorded sederunts of the Council from the 1st of August 1587 to the 5th of June 1592, when the Council was reconstituted by another Parliament. The recorded sederunts through this long space are about 160 in all, the actual meetings of Council through the period being, of course, much more numerous, but only the *proceedings* of the larger proportion of the meetings being minuted in the Register, without record of the *sederunts*. Particulars not supplied by the Register are supplied from peerage-books and other authorities :—

Councillors appointed by the Parliament of July 1587.

I. The "Ordiner and Daylie Privy Counsell." — These, mostly officials, were as follows, save that here they are not arranged in the order in which they are named in the Act appointing them, but in the order of the assiduity of their actual attendance as shown by the sederunts through the five years :—

Chancellor.—Sir John Maitland of Thirlstane: raised to the peerage May 18, 1590, by the title of Lord Maitland of Thirlstane (p. 481, footnote). His attendance, as before, was most exemplary, there being hardly a trace of his absence from any meeting of Council, except from October 22, 1589 to May 1, 1590, when he was away with the King in Norway and Denmark.

The Clerk of Register.—Mr Alexander Hay of Easter Kennet. He was next in punctuality to the Chancellor, and is named as present in about 123 of the recorded sederunts.

The Justice-Clerk.—Sir Lewis Bellenden of Auchnoull till his death in 1591. He appears in a great many of the sederunts, and must have been about next in regularity, while he lived, to Clerk-Register Hay. For his successor in office see below.

Treasurer-Depute.—Sir Robert Melvill of Murdocairny. Very steady in his attendance, though less steady than the last two.

Treasurer.—Sir Thomas Lyon, Master of Glammis. His rate of attendance is nearly that of his depute, but little more than half that of the Chancellor.

Collector-General.—Mr Robert Douglas, Provost of Lincluden. Nearly as steady in his attendance as Glammis.

Master of Requests.—Mr Mark Ker, Commendator of Newbattle. In about 70 of the recorded sederunts.

Comptroller.—Sir John Seton of Barns, who succeeded Andrew Wood of Largo on July 8, 1587, and held office till November 25, 1588. Present rather steadily during that term of his Comptrollership.

Sir James Home of Cowdenknowes, Captain of the Castle of Edinburgh. In about 72 of the recorded sederunts.

Privy Seal.—Mr Walter Stewart, Prior of Blantyre. In about 68 of the recorded sederunts.

Alexander Colville, Commendator of Culross. Attended pretty regularly for some time, but dropped off in 1590 : in about 25 sederunts only in all.

Adam Bothwell, Bishop of Orkney. Also dropped off after a while : in about 22 of the recorded sederunts.

Advocate.—It is not till May 16, 1589, that the King's Advocate, appointed a Councillor officially by the Act of July 1587, is entered as present in any of the recorded sederunts ; and he is not often present, but only occasionally, after that date. The holder of the office was Mr David MacGill of Cranston Riddell.

James Meldrum of Seggie. Appointed as one of the ordinary Council in the Act of Parliament of July 1587, he appears in but one recorded sederunt through the five years, viz., on the 31st of January 1587–88. He died fifteen days afterwards, February 15, 1587–88.

II. Extraordinary Councillors, or "Noblemen and Prelates" nominated by the Act "to be alwayes of the said Privie Counsell quhen thai happin to be present or ar send for be his Hieness."—These were sixteen, and are here also arranged in the order of the number of their recorded appearances in the Council meetings :—

John Erskine, Earl of Mar.—More frequently present than any other in this list,—the recorded sederunts containing his name about forty times in the five years ; which indicates a rate of attendance about half that of Treasurer Glammis and Collector-General Lincluden in the former list.

John Graham, Earl of Montrose.—Rate of attendance very nearly the same on the whole as that of the Earl of Mar, but with more gaps.

Alexander Seton, Commendator of Pluscardin.—In about 30 of the recorded sederunts by his title "Pluscardin," and in about 12 more after February 1590–91, with the higher title of "Lord Urquhart," to which dignity he was then raised by James.

John, Lord Hamilton.—This great nobleman, named first in the list of Councillors in the Act of July 1587, in acknowledgment of his being the next personage in the realm to royalty, makes but about twenty appearances in the recorded sederunts. His influence was out of the Council, or upon the Council when he chose.

George Gordon, Earl of Huntly.—In about 18 of the recorded sederunts.

George Keith, Earl Marischal. — In about 15 of the recorded sederunts.

David Lindsay, Earl of Crawford.—In about 14 of the recorded sederunts.

Francis Stewart, Earl of Bothwell.—In about as many.

Francis Hay, Earl of Errol.—In about 9 of the recorded sederunts.

William Maxwell, Lord Herries.—In about as many.

Archibald Douglas, Earl of Angus.—This great nobleman, "the good Earl of Angus," the head of the late Government of the Returned Lords, was named second in the Act of Appointment of the new Council of Maitland's Premiership, and would, doubtless, have continued a prominent man in that Council but for the state of his health. He was present in about 4 sederunts in the course of the first year of that Council, but died in July 1588. (See p. 306, footnote.)

Patrick Adamson, Archbishop of St Andrews.—Present in only 3 of the recorded sederunts. He died February 19, 1591–92. (See p. 727, footnote.)

Peter Rollock, Bishop of Dunkeld.—Also in about 3 of the recorded sederunts.

Claud Hamilton, Commendator of Paisley.—This important person, brother of Lord Hamilton, appears in but 2 of the recorded sederunts. In 1591 he became Lord Paisley, by the elevation of his abbacy into a temporal lordship.

Andrew Leslie, Earl of Rothes.—Present but in 1 of the recorded sederunts.

James Stewart, Lord Doune.—Also in 1 sederunt only.

Councillors added in the course of the Five Years.

By the Act of July 1587 it was provided that his Majesty might add to the number of his Councillors named in that Act; and in the course of the five years he exercised this right very freely, but probably not more than was necessary to make up for the vacancies that occurred in the original Council and the neglect of attendance by some of the nominal Councillors. The following is a list of the persons so added to the Council, in the dated order of their first recorded appearances there, and with the total numbers of the recorded sederunts in which they are found present:—

Patrick Vans of Barnbarroch.—November 13, 1587: in about 30 sederunts.

Robert Keith, Commendator of Deer.—January 24, 1587–88: in 2 sederunts with that title, and afterwards in 8 with the higher temporal title of Lord Altrie, to which he was promoted.

George Douglas of Helenhill.—March 15, 1587–88: in about 5 sederunts: then disappears.

William Keith: the same who had been the first envoy to London to plead for Queen Mary's life.—March 15, 1587–88: was afterwards knighted: is found in about 16 sederunts.

Peter Young, *King's Eleemosynar.*—July 12, 1588: not present again till

January 15, 1588–89, but thenceforward a pretty frequent attendant, being found in about 36 sederunts in all.

John Cockburn of Ormiston.—Admitted of the Council November 6, 1588: found as "Ormiston" in about 25 sederunts from that date onwards: succeeded Sir Lewis Bellenden as *Justice-Clerk* in 1591, and sat on with that official title.

John Carmichael of that Ilk.—Admitted of the Council November 6, 1588: thenceforward a frequent attendant, being found in about 45 sederunts. He was afterwards knighted.

David Carnegie of Colluthie.—Admitted of the Council November 6, 1588: thenceforward a frequent attendant, being found in about 41 sederunts.

William Douglas, Earl of Angus, the successor of Earl Archibald in that title in 1588, having been previously known as Sir William Douglas of Glenbervie.—March 7, 1588–89: thenceforward a pretty constant attendant. He died 1 July 1591; and his son William, his successor in the earldom, took his place in the Council and attended occasionally.

David Seton of Parbroath, *Comptroller* in succession to his relative, Sir John Seton (see above).—Appears in Council December 20, 1588: a very frequent attendant thenceforward. He and his predecessor together score about 70 of the recorded sederunts.

William Douglas, Earl of Morton, the successor of the deceased Angus in that second title of "Earl of Morton" which had been restored to him as the heir of his uncle, Regent Morton, after having been worn for a while by Lord Maxwell.—This new Earl of Morton, formerly Sir William Douglas of Lochleven, appears first in Council on the same day as his namesake, the new Earl of Angus, March 7, 1588–89, and attends rather steadily thenceforward, being found in about 36 sederunts.

Andrew Keith, Lord Dingwall, a scion of the Marischal family, who had been raised to the peerage in 1584.—He appears first in the Council May 16, 1589, and is found in about 14 subsequent sederunts.

Ludovic Stewart, Duke of Lennox.—This young kinsman of the King, the son of the late famous Esmé, Lord D'Aubigny, first Duke, had been trained up in Scotland since his father's death, and began public life in 1589, when he was but fifteen years of age. He first appears in Council October 23, 1589, and is found in about 35 sederunts from that date onwards.

Robert, Lord Seton.—November 11, 1589: in about 10 sederunts.

John Lindsay, parson of Menmure.—November 20, 1589: in about 11 sederunts.

John Graham of Halyards.—November 20, 1589: in about 8 sederunts.

Patrick, Master of Gray.—He shows his face again in the Council on the 4th of December 1589, sits twice afterwards, and then retires.

James, Lord Lindsay.—January 14, 1589–90: thenceforward rather frequent, appearing in about 36 sederunts.

William Stewart, Commendator of Pittenweem, known as the Colonel William Stewart who had subverted the Ruthven Raid Government.—Back in Council January 14, 1589–90: in about 12 subsequent sederunts.

Alexander Lindsay, brother of the Earl of Crawford.—Appears first in the Council June 24, 1590, as "Magister Alexander Lindsay." Attends once or twice more under that title, but afterwards about twenty-four times as Lord Spynie, to which title he was raised May 6, 1590.

James, Lord Ogilvy of Airly.—February 2, 1590–91, and in about 6 subsequent sederunts.

John, Lord Maxwell.—This nobleman, so remarkable for his vicissitudes, reappears in Council, simply as Lord Maxwell, and without his interim title of Earl of Morton, May 12, 1591, and attends pretty frequently thereafter, being found in about 16 subsequent sederunts.

Sir Richard Cockburn of Clerkington, nephew of Chancellor Maitland, and *Secretary of State* from April 22, 1591, onwards, by the resignation by the Chancellor of the Secretaryship he had till then held in conjunction with the Chancellorship. He is first found in the Council May 12, 1591, and, as his office required, was a very regular attendant thenceforward, present in about 38 of the remaining sederunts.

Andrew Stewart, Lord Ochiltree, grandson and successor of "the good Lord Ochiltree" of the Reformation, and nephew of ex-Chancellor Arran. He is found in the Council December 17, 1591, and about eight times afterwards.

In addition to these four and twenty persons, who are added, or add themselves, to the Council between August 1587 and the end of 1591, one finds several others casually present at single sederunts or even at two or three during the same period,—*e.g.*, Lord Saltoun once, Lord Cathcart once, Lord Hume once, the Chancellor of Ross thrice, the Laird of Innernauchty once (see p. 450), the Earl of Glencairn thrice, Lord Oliphant twice, and Lord Gray once. Still others may be found in the Conventions of Estates occasionally called throughout the period.

N.B.—King James himself attends the Council far more assiduously through our present period than he had ever done before. He appears as present in about 70 of the 160 sederunts recorded for the entire period. This would represent him as about as frequent an attendant as the Collector-General, or the Commendator of Newbattle, or the Laird of Cowdenknowes, or Privy Seal Blantyre; but the inference would be somewhat fallacious. There can be little doubt that the presence of the King in any sederunt caused that sederunt to be recorded; and hence his appearances in the recorded sederunts may be taken as co-numerous with his attendances throughout,—which is by no means the case with the body of his Councillors. Still the evidence is perfect that James was now to a great extent his own man of business, much by the side of the Chancellor, and more in the Council than any but the official members and two or three of the most active nobles.

The history of Scotland during the five years of the nominal management of affairs by this body of persons breaks itself

chronologically into a series of short stages. It may conduce to clearness to mark each of these by a descriptive heading.

NINE MONTHS OF HOME ROUTINE.

August 1587—*April* 1588.

The accession of Maitland to the Chancellorship coinciding with the attainment by James of his long-desired majority, it was the purpose of Sovereign and Minister to begin together auspiciously. In the matter of the relations with England all that could be done was, while maintaining that show of resentment on account of Queen Mary's death which was not only proper in itself but imperatively required by the feelings of many of the great nobles and a large portion of the community besides, yet to refrain from aught that might lead to a positive rupture. This, accordingly, is what *was* done, though it is only incidentally, as in such an order as that at p. 209, that the subject appears at all in the Register. It was on the internal administration of Scotland that the King and the Chancellor bestowed their chief attention. At pp. 217–219 will be found the order for an important proclamation of his Majesty's cognisance of the disorderly state of his kingdom, the prevalence of crimes and enormities in all parts of it, and of the arrangements he has made for taking more directly into his own hands than hitherto the trial of offences and the administration of justice. A sequel to this order will be found at p. 238, and another general order of an administrative kind at p. 253. While these orders were general for the whole kingdom, the special orders relating to the Borders and Highlands were more numerous. For the Borders see pp. 206, 221, 222, 225, 234, 240, 244, 247, 248, footnote at p. 254, pp. 257–259, 262, 271, 272, 273, 274, and 275. In the course of these minutes we accompany his Majesty in person twice to the Borders with an armed force, —first in November 1587 to the neighbourhood of Peebles, when one of the Council meetings was held at Neidpath, and next on a more important expedition in April 1588, when one of the Council meetings was held at Jedburgh. We become

aware, however, that it was in the West March that the disorder was greatest, more especially after certain suspicious signs of Roman Catholic disaffection and conspiracy on the part of Lord Herries, the Warden of that March, and that it was only after Lord Herries had given satisfaction and caution for his good behaviour that the King postponed his projected visit to that March too. The very last of the cited minutes shows that the visit was not likely to be postponed very long,—the turbulent Lord Maxwell, a more formidable Roman Catholic than Lord Herries, having returned from Spain without licence, and landed at Kirkcudbright, bent on stirring up his following in those parts for some desperate enterprise. The minutes relating to the Highlands, where it was not so easy for his Majesty to show himself in person, indicate at least his desire to assert his authority there by missive orders in cases of reported oppression and violence. See pp. 208, 214, 254, 259, 263, 264, 265, and 266. At p. 210 are two entries appertaining to the King's favourite design about this time of stopping private feuds among his nobility,—one in the matter of the feud between the Earls of Huntly and Atholl, and the other in that of the feud between Lord Hay of Yester and the Stewarts of Traquair; and there is an order of similar import at p. 238. Revenue orders of various kinds occur at pp. 219, 220, 235, 245, 251, 269, and 274, while special orders relating to the coinage and the cunyie-house will be found at pp. 220 and 265. Mention is still made of the Plague in Scotland at pp. 230 and 235; an Act affecting export of herring will be found at p. 243; at p. 237 are two Acts relating to the trade between Scotland and Flanders; the foreign speculator Eustachius Roche and his tack of the mines reappear at p. 269; and at pp. 211, 212 there is an interesting order prohibiting the raising of troops in Scotland for foreign service. The only Act in the nine months bearing on the relations of the Kirk to the State is one at pp. 263, 264, unless the Act at pp. 232, 233 for enforcing the laws against Jesuits and seminary priests is to be taken as another. Very interesting entries are those at pp. 227 and 245, relating to that important constitutional improvement, the admission of representatives of the Lairds or Lesser Barons

into Parliament, which had been discussed in the Linlithgow Parliament of 1585, and enacted in the Edinburgh Parliament of July 1587, when the arrangements for carrying it into effect had been left with the King and Council. See footnotes at pp. 201 and 228. It is hardly a surprise to find that the Lesser Barons were expected to pay for their new privilege, though it is not till the second of the two entries (pp. 245, 246, and footnote) that we first hear definitely of that tax of £40,000 which had been agreed upon as the price, and the difficulties of the collection of which in individual cases follow us through the Register thenceforward. For notices of the embassy of Vans of Barnbarroch and Mr Peter Young to Denmark, and the expenses thereof, see pp. 219 and 231; and for the taxation for the expenses of a new and greater embassy to conclude the King's marriage see p. 269. Among the judicial cases before the Council in the course of the nine months, see more particularly that of the Countess of Errol against Campbell of Glenlyon at p. 213; that of Wallace of Craigie against ex-Chancellor Arran and his wife at pp. 220, 221; that of Lord Oliphant against retainers of the Earl of Caithness at pp. 229, 230; and that of Jonet Edmeston and her bairns against the murderers of her husband at p. 260. But the gem of the judicial cases, and perhaps the most picturesque story of the kind in the whole volume, is that at p. 204, where Abbakuk Bisset, a young Writer to the Signet, complains of an assault upon him by Mr Patrick Hamilton, brother of Hamilton of Preston, and Robert Hamilton, apparent of Preston. Having conceived "a deidlie feid and haitrent" against him on account of some law proceedings in which he had been the agent, they had threatened to have his life. "Nevertheless, the said Abacuke, having committit na "cryme that deservit the same, and supponing that the said in-"jurious bosting, consavit without ony just caus, eftir proces of "time had been foryett [forgotten], behavit himself in peceable "and quiet maner, as become ane man of his vocatioun; quhill "[till] at last, upon the xxiiii day of Julii instant [Sunday, July "24, 1587], the saidis Maister Patrik Hammiltoun and Robert "Hammiltoun, appeirand of Prestoun, being mindfull to putt "thair said ungodlie interprise to executioun, come to Sanct Gelis

"kirk in Edinburgh, bodin in feir of weir, with swerdis, pistol-
"lettis, and utheris waponis invasive, and thair, finding the said
"Abacuke gangand in peceable and quiet maner, a little befoir
"fyve houris at evin, awaiting upon the ringing of the fyve houris
"bell to the evening prayeris, quhair he was myndfull to have
"said his prayeris to God, conform to his accustomed use, having
"na swerd, waponis, nor armour, bot purpossing to have leavit
"under Godis peax and his Majesteis, being within the tyme of
"Parliament, then the said Robert Hammiltoun, appeirand of
"Prestoun, and the said Mr Patrik, sett upon the said complener
"in the said kirk, and brak his heid first with plumbattis or
"gairdis of ane of thair swerdis, to the effusioun of his blude, and
"thaireftir, he fleand away frome thame furth at the west kirk-
"dure of the said kirk, thay followit him, and, in the portche or
"throwgang of the said west kirk-dure, invadit and struke him
"with drawne swerds, quhairthrow thai or ather of thame, con-
"currend togidder, cruellie woundit him in the left hand, and hes
"mutilat and dismemberit him of the haill foure fingars of the
"left hand,—at the leist, hes dismemberit him of ane joint of the
"foirmest fingare thairof and of the haill twa midmest fingaris, and
"mutilat and dismemberit him also of the litill fingare thairof."
What was immediately done in the case may be learnt in the entry itself. See also p. 239, where the case recurs. Abbakuk Bisset,—how could he help it with such a name?—was a rather quaint and crabbed character. He lived on in Edinburgh, with his fingerless left hand, into the reign of Charles I., heard of now and again in one lawsuit or another, and also as dabbling in literature (see footnote, p. 205). The wording of his present complaint must be his own, and it paints his meditative walk by and into St Giles's church that summer Sunday evening, listening for the bell, and the sudden onslaught upon him by the Hamiltons, by no means badly.

THE SPANISH ARMADA EXCITEMENT AND ITS CONSEQUENCES.

May 1588—*October* 1589.

Through the nine months of apparent lull and routine there

had not been wanting ominous signs of a great coming excitement. Was not that terrible year 1588 at hand of the portentous events of which there were so many ancient and strange prophecies? This prophecy in particular, we are told, was in all men's mouths :—

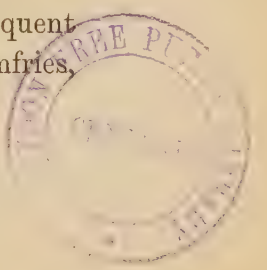
> "Post mille expletos a partu virginis annos,
> Et post quingentos rursus ab orbe datos,
> Octogesimus octavus, mirabilis annus,
> Ingruet: is secum tristia fata feret."

The foreknowledge that the year 1588 was to be such a year of wonders had a very natural origin. For three years Philip II. of Spain had been making his stupendous preparations for that invasion of the British Islands which was to avenge the damages done to Spanish commerce by English captains and admirals, avenge also the interferences of England with the Spanish war for the subjugation of the revolted Dutch, hurl Queen Elizabeth from her throne, and compel her subjects back into the Catholic faith and allegiance to the Spanish empire. For at least two years the Protestant mass of the English people had been living in expectation of the storm that was thus to burst upon them, while Jesuits and agents of Spain were moving about secretly among the English Roman Catholics and taxing the vigilance of Elizabeth and her ministers by intrigues and conspiracies. The position of Scotland in the prospect of a Spanish invasion, aimed avowedly and chiefly at England, was very peculiar. On the one hand, the interests of the common Protestantism of the two kingdoms, the certainty that a Spanish conquest of England would not leave Scotland untouched, but would devour and incorporate the whole north of the island as well as the south, recommended union with England against the Spaniard, and common action with her to the last extremity. Hence that League offensive and defensive between the two kingdoms which had been voted in 1585 and solemnly concluded in 1586. But Queen Mary's death had all but snapped the League, and had reopened the question of the proper relations of Scotland to the Spaniard when he should come. Might not this be an oppor-

tunity for punishing Elizabeth for her recent insult to Scottish national pride and the royal blood of the Stuarts? Might there not be a Scottish land-invasion of England simultaneously with the arrival of the Spaniards by sea, or might not Scotland be utilised in some other way for the purposes of Philip in his enterprise? What if it should be found convenient for the Spaniards to land somewhere on the Scottish coasts and march through Scotland into England? It was not only among the remnants of the Roman Catholic party in Scotland that these speculations were entertained. While such known Roman Catholic nobles as the Earls of Huntly, Crawford, and Errol, and Lords Maxwell and Herries, with other lords, lairds, and ladies, scattered in unknown numbers through Scottish society, and nursing their Roman Catholicism more or less in secret, actually welcomed the prospect of a Spanish invasion, as likely to recover Scotland to the old faith, or at least to ensure a future toleration of it as the faith of the minority, there were important Protestant magnates, such as the Hamiltons and Bothwell, who were not indisposed to a temporary Spanish alliance against England as a means of retaliation for Queen Mary's death. Of this Spanish or anti-English leaven there was, as the foregoing names will suggest, a dangerous quantity in the Council itself; and, in fact, the King and Chancellor Maitland had become aware of a recent conspiracy of this part of the Council for a *coup d'état* that should dismiss the Chancellor and put the administration in new hands. See p. 254, footnote. Meanwhile Philip II., from his distance in Spain, and Philip's great soldier, the Duke of Parma, his generalissimo in the Netherlands, and his destined generalissimo for the invasion of England, had been taking ample account of this state of matters in Scotland; and emissaries from both, or voluntary agents for both, in the form of Jesuits and priests of Scottish name and birth,—Gordons, Hays, Macwhirries, Duries, Crichtons, and what not,—had for months been perambulating different Scottish shires, dispersing intelligence, stirring up zeal, and connecting broken threads. There had been already some activity against these, as we have seen, on the part of the Chancellor and the Council, though not nearly so much as was demanded by the

real Protestant heart of the country, as represented in the Presbyterian clergy. About the opinion of this solid body of the Protestantism of the community there was no uncertainty whatever. Horror of the Spaniard, alliance with England to the uttermost against the Spaniard, oblivion of Queen Mary's death, or of whatever else might obstruct that immediate duty,—this was what the Presbyterian clergy preached and urged. They had blown a trumpet-blast on the subject in their General Assembly of February 1587–88, denouncing to the King and Council by name the ascertained partisans of Popery and the Spanish cause among the nobility and lairds and the more notorious of the wandering Jesuit agents whom these families received and sheltered (see pp. 248, 249, footnote). Though disliking this clerical trumpet-blast, the King and the Chancellor had resolved, of their own accord, to steer Scotland through the crisis in a manner that should not be unsatisfactory to the popular Protestantism. While maintaining an attitude towards England that might look like neutrality, or a very cold construction of the late League, they were to regard the threatened Spanish invasion as a danger to the whole British Island, and were to be on the watch against the dashing of that danger upon Scotland from without or movements in aid of it within her bounds.

It is at p. 277, under date May 6, 1588, that we read the first distinct order of Council for preparations to resist the approaching Spanish invasion. That was a general order for armed readiness by all the lieges; and at pp. 284, 285, we read another order, by a Convention of Estates, a fortnight later, for energetic action against the most notorious Jesuit agents in Scotland. In the very next order, at pp. 285, 286, we learn that the first practical precaution against the invasion was to be an armed expedition by the King in person to the West March, to put down the rebellion which Lord Maxwell, recently returned without leave from Spain, had managed to raise in those parts, and which was intended to open a door to the Spaniards if they should seek a landing in Scotland. The history of this expedition may be studied in the subsequent minutes at pp. 286–292, most of them dated at Dumfries,



where the King and Council had their headquarters from the end of May to the end of June. See also explanatory details in footnotes at p. 286 and pp. 292, 293. The expedition was most successful; and, with the Maxwells crushed, and Lord Maxwell himself a prisoner, the King was back in Edinburgh on the 27th of June. The good Earl of Angus was left in the government of the Marches; and the man who had returned to Edinburgh with the King as the chief hero of the expedition, inasmuch as he had run down Lord Maxwell and captured him, was Sir William Stewart, the brother of ex-Chancellor Arran. In the following month both of these personages were dead,—Stewart in a cellar in Blackfriars' Wynd, Edinburgh, by dagger wounds received in a scuffle with Bothwell and his retinue, and the good Earl of Angus at Smeaton, near Dalkeith, of a mortal disease which had long been wasting him (footnote, p. 306). In the same month took place the marriage of the Earl of Huntly with the sister of the Duke of Lennox (footnote, p. 297). That month of July 1588 and the following month of August was the time, however, of a vast commotion amid which these were but petty incidents. They were the months of the passage round the British Islands at last of the actual whirlwind of the Spanish Armada. For the story, so far as it connects itself with Scottish affairs, see the footnote at pp. 298, 299, the minutes at pp. 300–303 and 306–308, the footnote at pp. 308, 309, that at p. 311, and the minutes at pp. 314, 315, and 316. Met in the Channel by English valour and seamanship, attacked, chased, baffled, dispersed by winds and tempests, the enormous and unwieldy fleet of Spanish galleons had been shattered into a mere naval ruin of fugitive fragments, coasting separately round the British Islands and anywhere through the northern seas, on the miserable chance of reunion and return to Spain, and fringing many a shore and island with dead bodies and wrecks. The special fear for Scotland for a while was that the Armada, foiled in the attempt to land in England, might collect itself and try a landing on some part of the Scottish east coast,—Dunbar, the Firth of Forth, St Andrews, Aberdeen, or Cromarty. A system of watch-fires and beacon-signals had been arranged, to alarm the whole

inland country in case of such an apparition anywhere, and bring the musters to the right spot. But before the month of September 1588 it was known universally that the danger had passed away. From no part of the population did such bursts of thanksgiving arise as from the Presbyterian clergy. In August, when the alarm was in its crisis, they had met in another General Assembly of the Kirk in Edinburgh, with such fervent prayers, such "sighs and sobbings" of emotion, and such renewed denunciations of Spaniards, and of Jesuits and Papists at home, as made this Assembly memorable for many a day; and they had hardly dispersed when the news ran everywhere of the miraculous and glorious deliverance.

Through the four months, from May to September 1588, which had thus been mainly occupied by the King's expedition to the West March and by the panic of the Spanish Armada, there had, of course, been various Acts and Orders of more ordinary administration. Acts relating to the Highlands for those months will be found at pp. 288, 290, 296, and 298,—the last an Act of a Convention of Estates relating to the Highlands and the Borders jointly, and showing, as do also the three Acts which immediately follow (pp. 300–303), the effects of the Spanish Armada excitement in stirring up the Government to active measures of police over the whole country, not only against Jesuits and Spanish agents, but also against miscellaneous criminals and vagrants. The first of these three Acts contains an interesting and instructive list of those deemed fittest to be chief police commissioners for the different shires, and the other two Acts may be called Pauperism and Vagrancy Acts. At p. 296 is a Revenue Act for the repair of the Castle of Edinburgh; at p. 303 there is a Coinage Act for the expenses of an expedition of Bothwell to the North Isles; and at p. 317 there is another Coinage Act. Among the most interesting of the judicial cases for the four months are that at pp. 283, 284 relating to an illegal arrest, trial, and execution, and that at pp. 305, 306 relating to an attack on a parish minister and his household.—In sequel to such administrative and judicial Acts registered for the four months of the Armada excitement may be noted the chief of

those registered for the six months following the excitement, or from August 1588 to February 1588–89, when the Government had been relieved of its terrible anxiety and was more at leisure. At p. 322 Carmichael of that Ilk, who had been made commander-in-chief of the light horse to be raised in the realm for resistance to the Spaniard (p. 315), but for whom that post had proved a sinecure, becomes Warden of the West March, in succession to the suspected or incompetent Herries, receiving also the Stewartry of Annandale, taken from the defeated and imprisoned Lord Maxwell. For subsequent orders and judicial cases concerning the Borders see pp. 332, 342, 346, and 349; for a new contract with Eustace Roche, tacksman of the mines, see p. 319; for new Coinage Acts see pp. 322 and 326; and for an important Act in the matter of the tax of £100,000 for the expenses of the King's marriage see p. 344. David Graham of Fintry, a conspicuous laird of the Spanish or Popish party, is heard of at pp. 334 and 337, and Bothwell figures in three Acts at pp. 330–332. Two of these are judicial cases relating to foreign ships, implicating him as High Admiral of the realm. Perhaps the most important of the other judicial cases through the six months is that at pp. 335–337, in which David Murray, one of the King's master stablers, is complainant.

Though the immediate panic of the Spanish Armada was over in September 1588, the passion which had been aroused among some of the Scots for co-operation with the Spaniard in an attempted religious revolution in the British Islands, or at least in a war with England, had left its effects on the Scottish body-politic, like the dregs of a fever. Would Philip II. acquiesce in the terrific disaster which had befallen his enterprise? Would he not repeat his attempt, and retrieve his European disgrace by a second expedition to the British shores, on a smaller scale perhaps, but better planned? So argued among themselves some of the Catholic and anti-English lords in Scotland, till at length their reasonings took the form of secret communications with Philip and with the Duke of Parma, offering their services in any new invasion, and suggesting that the blunder of the first invasion might be avoided by trusting more to Scotland this

time, and selecting Scotland as the first scene of operations and as the medium through which to reach England. As usual, the Presbyterian clergy were the most alert to detect the signs of these workings; and, in an informal Convention at Edinburgh in January 1588–89, and also in a regular Assembly in the following month, the evident increase of Popish activity in Scotland, the continued assiduity of lurking Jesuit agents and seminary priests both in the south and in the north, the proofs of a correspondence with Spain, and the remissness of the King and Council in the business of seeking out and extirpating all such relics of the Spanish leaven, were the subjects of speech and of written resolution and manifesto. For a summary of the facts, evidences, and guesses, see footnotes at p. 332 and p. 351; and see also, at pp. 358, 359, another Act of Council against Jesuits, seminary priests, and other dangerous persons, passed in consequence of the representations of the clergy. Hardly, however, had even the Presbyterian clergy divined the exact form of the peril. They had their eyes, of course, on the great Earl of Huntly, the recognised head of the Roman Catholic party in Scotland, and personally, notwithstanding his frequent compulsory compliances with the religion established, the most persistent of the Scottish adherents to the old faith. They did not like the peculiarly close relations that now existed between the King and this nobleman. The recent marriage of Huntly with the sister of the Duke of Lennox had made him almost one of the royal family; the King's fondness for him had shown itself by his appointment in November 1588 to be Captain of the King's Guard, instead of the Master of Glammis, who had held the post hitherto along with his Treasurership; and all through the winter of 1588–89 Huntly had been residing with the King in Holyrood Palace. These facts were obvious, and perhaps also the fact that Huntly had been again urging the King to dismiss Chancellor Maitland, Glammis, and all the other chief officers of state, and form a new Administration of different elements, of which Huntly himself should be the head. If this fact was known, it was also known, to the King's credit, that he had resisted Huntly's importunities in that direction, standing faithfully by

the Chancellor, and thinking the Chancellor's brain worth ten of Huntly's in the real affairs of state. Still, the constant presence of Huntly at Holyrood, and his daily companionship with the King, were ominous.

It was not till the 27th of February 1588–89 that it became known what Huntly and some of his faction, in their disappointment at the failure of their scheme for removing the Chancellor and bringing in a new Government of pro-Spanish and anti-English composition, had been really doing. See, in the footnote at pp. 360, 361, the astounding news which that day burst upon Edinburgh in the form of a packet of intercepted letters sent to King James by Queen Elizabeth and the English Council. The letters are given in Calderwood and elsewhere; but one of the relative documents, in the form of an examination of Thomas Pringle, a Scotsman, before the English Privy Council, will be found among the Miscellaneous Papers in this volume, at p. 820. Huntly and Errol had been corresponding treasonably in cipher with the Spanish Court and with the Duke of Parma in the Netherlands; a Scottish Jesuit priest, deep in their confidence, had also been corresponding busily; who knew what were all the ramifications of the conspiracy, or how many more were implicated? Elizabeth's advice to King James, accompanying the packet, was that he should do what she herself would do in any similar circumstances,—strike down the conspirators at once, "clap them up," behead them, teach the highest of them, Huntly himself, despite his cousinship by marriage, how a real king must act in such a case. See her strong language in the footnote just cited. James, with an easy judiciousness which was perhaps more suited to the state of Scottish society, and certainly to his own temper, did not adopt the Elizabethan method. Huntly was committed, or committed himself, to ward in Edinburgh Castle, where the King and Chancellor visited him and dined with him; Errol escaped, but kept prowling about near Edinburgh, notwithstanding a Council order for his apprehension; there were Council orders referring to the conspiracy and prohibiting treasonable correspondence with foreign parts; but on the 6th or 7th of March we find Huntly at liberty again, going about in Edin-

burgh and arranging a banquet for the King there, and in communication with the fugitive Errol. Either James did not believe in Huntly's treason to the full amount of the appearances, or he regarded the so-called treason as only Huntly's way,—a stupid and circuitous way of effecting his cherished purpose of a removal of the Chancellor and a change of the Government. On the 14th of March, at all events, we find the King out hunting with Huntly in the vicinity of Edinburgh, and Errol joining them, and the two noblemen trying hard to induce the King to go with them there and then into the north, leaving the Chancellor and the Edinburgh people to astonishment and their own devices. James most decidedly refused this, and returned to Edinburgh, to do his best at the banquet which Huntly had ordered for him that day in Jonet Flockhart's house, but from which Huntly himself chose now to be absent; and the speculation of the King and the Chancellor for a week or so thenceforward was what Huntly and Errol could be doing together in the north. Such, in a few sentences, is a summary of the first consequences of the discovery of the Huntly-Errol conspiracy by the packet of intercepted letters sent from England. For details, consult the Register at pp. 363, 364, 367, and 368, with footnotes at pp. 364 and 366.

What Huntly and Errol were doing in the north appeared soon enough. At p. 371, under the date April 7, 1589, is the order for an armed muster of all the fencible lieges of a great part of Scotland round the King for the suppression of a treasonable enterprise; and at pp. 372–374, with footnotes to these pages, may be read the intermediate notices which bring us to Aberdeen about the 19th of April. There Huntly and Errol, with the Earl of Crawford in their company, were in open insurrection, at the head of about 3000 men, while Bothwell and the Earl of Montrose, their accomplices, were moving about elsewhere, to await the immediate result and help in converting the local demonstration into a national revolution. But, at the Bridge of Dee, where the insurgent force was massed to meet the King advancing from the south, it melted away on his Majesty's near approach,—the chiefs fearing an actual conflict with his Majesty

in person, and many of their northland followers disowning the enterprise when they found its real nature; and on the 20th of April the King was in Aberdeen in triumph, the rebellion dissolved, and the three Earls fugitive. From that day till the end of April we are with the King and Court in Aberdeen, or in excursions northward from that city; and in such orders as those at pp. 374–380, issued from Council meetings at Aberdeen, we learn what measures were taken to crush the last relics of the insurrection and to ensure the future loyalty of the Aberdonians and the northern lairds. The lists of names in the two documents at pp. 376–380, the one containing a band of the Aberdonians and their neighbours collectively in defence of his Majesty and the True Religion, and the other a series of cautions for "northland men" individually, are extremely valuable. It is in the beginning of May that we return with the King to Edinburgh. Huntly, who had been pursued into his own district of Strathbogie and compelled to surrender himself, was brought back to Edinburgh as a captive. Through the months of May and June we see the ordinary Council business resumed in Edinburgh, but are more concerned with the fate of the captive Huntly and that of his fellow-rebels, Bothwell and Crawford, both of whom had also surrendered. On the 22nd of May, as appears from a document printed among the *Miscellaneous Papers* at p. 821 (No. 25), Huntly was examined before three of the Council and emitted a declaration as to the facts of his recent conduct and his motives. On the 24th he and his two fellow-prisoners were tried on the charges described in a footnote at p. 384. They were all found guilty, and were left to the King's mercy. His easy judiciousness came again into play, and, to the disappointment of the clergy and other resolute Scottish Protestants, and doubtless also of Queen Elizabeth when the news reached her, their lives were spared, and they were only committed to ward in several castles,—Bothwell in Tantallon Castle, Crawford in that of St Andrews, and Huntly in Borthwick Castle (see footnote, p. 389). Montrose and Errol were still at large. An order relating to Montrose will be found at p. 394, and at the same place one relating to Graham of Fintry, one of the most noted of the minor rebels;

and at p. 399 Lord Saltoun appears as also on the black list. At p. 387 and p. 394 are more general orders charging all who had been in any way culpable in the late insurrection, and especially in the *Affair of the Brig of Dee*, as it now began to be called, to compound for their offences and take out their remissions on proper terms. The second of these orders, dated June 14, makes us aware that, for this important business of compositions, which was to wind up the late defection in a way that might be useful to the Treasury, the King was to return, with another armed muster accompanying him, to Aberdeen, where he would be in the chief seat of the disaffection and accessible to the penitent. The document No. 32 at p. 825 among the *Miscellaneous Papers* seems to connect itself with this determination of the King to revisit Aberdeen, being the advice of some important Councillor or other person to that effect. Accordingly, from the 2nd of July to the 4th of August, we are again in Aberdeen and the north, and the minutes of Council we read through those weeks are partly minutes of the main Council at Aberdeen and partly minutes of the portion of the Council that had been left in Edinburgh (see footnote at p. 400). The minutes of the meetings at Aberdeen, from p. 401 to p. 406, and especially the Act of Absolution for the Burgh of Aberdeen at pp. 405, 406, are of very considerable interest in the history of that burgh. But the King had turned this second visit for business among the Aberdonians to good account by extending his journey northwards as far as Inverness and Cromarty, seeing parts of his realm hitherto strange to him, and enjoying himself very much. It was on his return towards Aberdeen from this ramble that Errol and others of the late culprits, Hays and Gordons, hitherto at large, came in and tendered their submissions; and he was in such good humour that Errol had full pardon (see p. 406 and footnote there).—Thus had the formidable conspiracy of Huntly and his associates for a revolution in the Spanish and Roman Catholic interest been dissipated, and the Maitland Government confirmed in power. In August 1589, when the King had returned to the south from his second visit to Aberdeen, the Maitland Government was in surer possession than it had ever been before. Three of its chief enemies, Huntly

Bothwell, and Crawford, were in prison for their late rebellion; Lord Maxwell, a criminal on his own account from an earlier date, was still in custody; and others of the faction were in the condition of culprits who had been forgiven on their submission and promise of good behaviour. The Presbyterian Kirkmen, though regretting the King's lenity, were pleased with the general result, and the relations between them and the Maitland Government, friendly on the whole from the first, had become closer and more confidential. Intercourse with England had also resumed some of its former cordiality.

A single paragraph must compress the references here possible to proceedings of the Council in multifarious matters of general public business through the period of important political action, from February 1588–89 to August 1589, the history of which has been thus sketched, and thence onward to the end of October 1589:—For revenue orders see pp. 361, 375, 396, 410, 411, 416, 420, and 422. For Acts of an economic or commercial kind see pp. 365, 412, 416, and 417. For an entry or two respecting Border families see p. 381. For entries about the Forbeses of Aberdeenshire see pp. 356, 386, 392, and 399; and for one relating to the feud between Huntly and the Marischal family see p. 364. At p. 384 is an Act for regulating the election of the new Commissioners for Shires for the next Parliament. Judicial cases of some special interest are that at pp. 367, 368, in which David Moysie, the annalist, is complainant, that at p. 369, where the younger Ross of Balnagown is the defendant, that at p. 382, concerning John Smollett of Dumbarton, and that at p. 418, concerning the abduction of a youth from school. Orders relating to the Kirk, in addition to those that have had to be noticed from their general political import, will be found at pp. 388, 400, and 419, the last an Act for the better observance of the Sabbath.

All the while the negotiations with Denmark for the marriage of the King with a daughter of that house had been going on more and more briskly. In continuation of former notices of this subject in the Register, see pp. 390, 391, and footnote, a footnote at p. 396, and pp. 410, 411, with footnote at p. 411. See also the Latin letter of King James to the Danish Court, dated

at Aberdeen, August 1, 1589, and printed at p. 822 among the *Miscellaneous Papers.* These inform us that the business had resolved itself at last into a splendid embassy to the Danish Court, led by the scholarly and wealthy George Keith, Earl Marischal, and that, this embassy having embarked at Leith in June 1589, and arrived in Denmark, all difficulties had been overcome or adjusted, and on the 20th of August the Earl, as representative of his Majesty, went through the ceremony of his Majesty's marriage at the Danish Court with the young Princess, Ann or Anna. In connexion with the marriage see, at p. 823, No. 28 of the *Miscellaneous Papers*, containing the arrangement made by the ambassadors on the subject of the claims of the two crowns to the Orkney Islands. The bride, who had been substituted for her elder sister, originally thought of, was only in her fifteenth year, having been born December 12, 1574. The news of the marriage by proxy reached Edinburgh in the last days of August 1589, when the King had been triumphantly back for a week or two from his northern tour. The new Queen was expected daily in Scotland,—certainly in the course of September. That there might be no discord or discontent in Scotland to interfere with the universal joy on her arrival, the three imprisoned Earls of the late rebellion, Huntly, Bothwell, and Crawford, were forgiven and liberated, and Lord Maxwell also was released from his longer imprisonment on sufficient caution. See p. 412 and footnote there. But September passed, and still the Queen did not arrive, though some of the Scots who had been with Earl Marischal in Denmark had landed in Leith to announce her coming. October came and was well advanced, and still there was no appearance of the Queen. Contrary winds had driven back the cranky little fleet in which she was coming over; she was storm-stayed on the Norway coast; a dispute had arisen between her Danish guardians and the Scottish envoys in their company whether it would be safe to attempt the voyage at all at that season, and whether it should not be put off till after the winter. On receipt of this news, which came annoyingly in successive instalments and after there had been general fasting and prayer in Scotland for more favourable weather, the vexation of the King broke all

bounds, and he was like a man beside himself. For the effect see the entry, under date October 17, at p. 421, and three entries, under date October 19, at pp. 422, 423, with footnote. In the first of these entries we are told only of a special embassy of great State officers, Chancellor Maitland himself at their head, directed to set sail for Norway to join Earl Marischal and his train there, and expedite matters; but in the later entries we learn that James had formed the manful resolution to be one of the embassy himself. All the entries are dated at Leith, where there had been secret preparations; and actually, on the evening of the 22nd of October, the King, with Chancellor Maitland, the Justice-Clerk, the Collector-General, Lord Spynie, Vans of Barnbarroch, Sir John Carmichael, and a retinue of about 300 persons more, was out at sea from that port on his romantic errand to Norway. The next morning the Council that met in Edinburgh consisted only of the young Duke of Lennox, the Earls of Angus and Bothwell, the Comptroller, the Laird of Cowdenknowes, and Clerk-Register Hay, and the business consisted in the reading by this last official of the three documents given in full at pp. 423–430. The first of these documents must have been drafted by Chancellor Maitland and the King together. It contains the King's declaration of his reasons for his voyage to Norway, and a very precise statement of the arrangements he had made for the government of Scotland during his absence. The third document adds certain regulations for the procedure of the Council in the absence of the Chancellor and other usual members. It is the second of the documents, however, that is richest in personal interest. It was wholly in the King's own hand, and is wholly of his own composition; and any one that doubts the substantial accuracy of Scott's character or caricature of the veteran King James in the *Fortunes of Nigel* may have his doubts removed to a considerable extent by reading this extraordinary, half comic, half pathetic, rather clever, and altogether not unlikeable, self-revelation of James at the age of twenty-four. He glances at his past reign and at the delay of his marriage. "I wes allane," he says, "without fader or moder, bruthir or suster, kinge of this "realme and air appeirand of England. This my naikatnes

"maid me to be waik and my inemyis stark; ane man wes as "na man, and the want of hoip of successioun bread disdayne; "yea, my lang delay bred in the breistis of mony a grite jealosie "of my inhabilitie, as gif I wer a barrane stok." Hence his recent intentness on the marriage-negotiation with Denmark, more for his country's sake than for his own. "I am knawne, "God be prased, not to be very intemperately rashe nor concety "in my wechtiest effearis; nather use I to be sa caryed away with "passioun as I refuse to heir ressoun." But, now that his Danish bride, his wife already, was detained off Norway and might be detained all winter, it seemed to him that he had no option. As she could not come to him, he must go to her. He had formed this resolution entirely by himself, without the knowledge of a single soul besides. He had formed it first at Craigmillar, when his Council was not with him. In especial he is anxious it should be known that he had kept the resolution secret from the Chancellor. In fact, he had taken great pains to outwit the Chancellor in the matter. The Chancellor, as was well known, had never been very friendly to the marriage, and therefore had not taken the delay much to heart. Hence, when the project of sending the Earl Bothwell, as Lord High Admiral, at his own expense, to Norway, had broken down, and a Council meeting had been called to consider about the rigging out of a number of ships under some other command for the Queen's convoy home, all sorts of difficulties had been started. Then it was that the King had lured on the Chancellor to offer to go by threatening to go himself, and by a taunt on the reluctance of some people to do their duty to their Sovereign. The Chancellor, having been thus drawn into the design of the new State embassy to fetch home the Queen, had been to the last moment kept ignorant of the fact that the King was to go with the embassy. In fact, from first to last, the Chancellor had been hood-winked in this matter of the King's voyage to Norway,—for two reasons, which his Majesty, foreseeing the amount of gossip there will be on the subject, wishes to put on record. "First, "becaus I knew that, giff I had maid him on the counsaill thairof, "he had bene blameit of putting it in my heid,—quhilk had not

"bene his dewitie, for it becomis na subjectis to giff Princes "advise in sic materis; and, thairfoir, remembering quhat "invyous and injust burding he dalie beiris for leiding me be "the noyse as it wer to all his appetytis, as giff I wer ane unress- "onable creatur or a barne that could do nathing of myself, I "thocht pietie then to be the occasioun of the heaping of further "injust sklander upoun his heade. The other reasoun wes that, as "I perceaved it wes for staying of me that he maid the offir of *his* "ganging, sa wes I assuired that upon knaulege of *my* ganging "he wald ather altogether have stayed himseff or at leist lingered "als lang as he could, thinking it ouer grite a burding to him to "undertak my convoy, as I know upoun the rumouris of my "ganging he hes said na les to sindrie of his freindis. This far "I speik for his parte, alsweill for my awne honnouris saik, that "I be not unjustlie sklanderit as ane irresolute asse quha can do "nathing of himselff, as also that the honnestie and innocencie of "that man be not injustlie and untreulie reproched." After all, the voyage was no very dangerous affair, and in twenty days he might be back, bringing his Queen with him. But, whether his absence is to be longer or shorter, he enjoins all his subjects to keep the peace among themselves with even unusual diligence till his return, and threatens that he will mark and remember those who may violate this his departing commandment.

THE KING'S MARRIAGE-VISIT TO NORWAY AND DENMARK.

October 1589—*May* 1590.

The King's absence, intended to be for only twenty days, extended over six months. The datings and details of his Scandinavian tour during those months,—first in Norway, where he was married to his bride in person at Opsloe on the 24th of November 1589, and then at the Court of Denmark itself, where he and his train arrived, after some further travels and experiences by sea and land, late in January 1589–90, and where they spent some time among his new relations of the Danish royal family,—are given in footnotes at pp. 438, 445, and 469, 470. The Register itself contains two Acts of Council passed at Opsloe

by the King and those of his Councillors who were with him. One, at p. 438, under date November 25, is an Act of exoneration and thanks to Earl Marischal and his fellow-envoys for all their proceedings in the matter of the marriage; the other, at p. 444, under date December 15, is an Act authorising Chancellor Maitland to make presents of plate out of a certain "copburde" to two Danish noblemen who had taken a prominent part in those proceedings, and to keep the rest of the contents of the "copburde" for himself. There is no other sign that his Majesty or his retinue occupied themselves much with business during their stay in Norway and Denmark. Amusements of various kinds, and especially feasting and deep drinking, filled up their time. For steady and exemplary drinking, we gather from some of the King's letters home, the Danes seemed to him to beat the Scots to nothing.

Meanwhile those arrangements for the government of Scotland which the King had settled before his departure seemed to answer very well. The formal arrangement, by his Majesty's parting document of instructions (pp. 424–427), was that the ordinary Council, with the main charge of affairs, should continue to sit in Edinburgh, under the Presidency of the Duke of Lennox, as the chief man in the realm, with Earl Bothwell as his chief assessor and next in dignity, but that the special and separate charge of the Borders and Lanarkshire should be exercised by Lord Hamilton, with a Council of his own, having their headquarters at Jedburgh or Dumfries,—the two Councils, however, to coalesce on occasion. What does not appear in the formal document, but is explained in the footnote at pp. 430, 431, is that his Majesty had left a considerable amount of responsibility for good order during his absence with the clergy, by having appointed Mr Robert Bruce, the eminent minister of Edinburgh, to a kind of councillorship-extraordinary, with a general commission for moral and popular management with the aid of his brethren.—The only definite record in this volume of any separate action by Lord Hamilton in his Lieutenancy of the Borders and Lanarkshire during the King's absence is in No. 33 of the *Miscellaneous Papers* (pp. 826, 827). It records a meet-

ing of Lord Hamilton with some leading Border lords and lairds at Peebles, on the 1st of December 1589, with the heads of the matters discussed and the conclusions come to; and one observes that Lord Maxwell, so recently released from his imprisonment under a band of £100,000, but who had been nominated as one of Lord Hamilton's Council in the King's parting instructions, was the chief speaker in this meeting and the man of most authority.—The thread of affairs during the King's absence is more easily followed through the minutes of the meetings of the General or Ordinary Council at Edinburgh. There are eighteen recorded sederunts of this Council through the six months. The young Duke Lennox was present, in his place as President, at twelve of these; the Clerk-Register was present at all but one; next in regularity of attendance were the Laird of Cowdenknowes, Privy Seal Blantyre, Melvill of Murdocairny, the Parson of Menmure, Lord Lindsay, Lord Dingwall, the Earl of Angus, the Laird of Colluthy, the Master of Glammis, and the Earl of Morton; Lord Hamilton, from his Lieutenancy on the Borders, was four times present; Bothwell, as if caring little for attendance in a Council where he was but second to Lennox, was present but three times; and it was now, in the King's absence, that the Master of Gray, home from his exile, tried to resume public life by three several appearances in his old place at the Council. The proceedings of this Council of Lennox's Presidency distribute themselves, for the most part, among the usual heads of business. At pp. 432, 436, 437, and 442, are orders relating to the Borders, showing that Hamilton's Presidency there did not quite supersede cognisance of Border affairs by the Edinburgh Council, or perhaps rather that certain matters had to be adjusted between Hamilton and that Council. Two of the orders indeed concern Lord Hamilton's separate commission of jurisdiction and the expenses of it, while another relates to Bothwell's special responsibility for the peace of Liddesdale, and the fourth relates to new disturbances between Lord Maxwell and the Johnstons. There is one most important entry respecting the Highlands,—nothing less than that commission to the Earls of Huntly, Argyle, and Atholl, for the pursuit and suppression or extirpation of the Clan

Gregor, which is heard of so often in the subsequent history and legends of that famous and persecuted clan down to the time of Rob Roy and later. See the document in full at pp. 453–456, with footnote at p. 456. At p. 448 there is an Act for taking assurances among litigants and persons at feud, and for the prevention of the convocation of such persons in arms in Edinburgh. At p. 441 is a revenue order for Forfarshire. Among the most interesting judicial decisions of the six months are that at p. 435, in the case of Lord Claud Hamilton against Lord Cathcart and Wallace of Craigie; that at p. 446, in a suit at the instance of Chancellor Maitland in his absence; that at pp. 460, 461, where the question of the validity of a Papal confirmation of an infeftment is referred to a commission; and that at p. 477, in a case in which Irvine of Drum is the complainant. At p. 452 is an Act granting a monopoly of paper-making in Scotland to a German and his partners; of no small interest in the history of the book-trade in Scotland is the decision in the complaint of Andro Hart and John Norton, booksellers in Edinburgh, at p. 459; and there is an Act relating to the cloth trade with England at p. 461. Commerce with abroad is implicated in an order at p. 463, relating to communications with Flanders. Vigilance against traffic with Spain is illustrated in the examinations of a Spanish ship-captain and his Scottish pilot and the proceedings in that matter, recorded at some length at pp. 827–831, in Nos. 34, 35, 36 of the *Miscellaneous Papers*. The influence of Mr Bruce and the Presbyterian clergy on affairs through the six months appears most conspicuously in the long ordinance at pp. 463–467, under date March 6, 1589–90. It is, as may be gathered from itself and from an appended footnote at pp. 467, 468, an ordinance of historical moment. Mr Bruce and his brethren, then met in a General Assembly of the Kirk at Edinburgh, had persuaded Lennox and his Council not only to confirm, and, as it were, re-issue all former Acts against Jesuits and seminary priests, reconstituting a large commission of lords and gentlemen for enforcing the Acts throughout the country, but also to appoint a great clerical commission to co-operate with this lay commission, and to enforce universal subscription among

the lieges to the Confession of Faith or National Covenant of 1581, with an annexed Anti-Papal Band passed and adopted in 1587–88 in anticipation of the arrival of the Spanish Armada. The lists of names in the two commissions are very instructive, and the entire document marks an epoch in that history of the Scottish Covenant and the Scottish Covenanters which begins in the sixteenth century, though it flames into its full significance only in the seventeenth.

Mingled with such Acts and Orders as have been described were several relating to the fitting out of the ships that were to be sent for the convoy of the King and Queen home from Denmark, and to the allocation of the expenses among the burghs. See pp. 469–472. These preparations were effectual; and on the 1st of May 1590 King James and his young Danish bride arrived safely in Leith. For the rejoicings on their reception, and the other ceremonial on to the coronation of the Queen in Holyrood Abbey on Sunday, May 17, amid sermons and speeches, and with a special Latin recitation by Andrew Melville, see pp. 478–480, and footnotes at pp. 480–482. Chancellor Maitland's peerage, by the title of Lord Thirlstane, dates from this coronation.

A YEAR OF ENERGETIC ADMINISTRATION.

May 1590—*April* 1591.

During the six months of the King's absence on his marriage-journey Chancellor Maitland seems to have taken advantage of frequent private colloquies with him to impress upon him the necessity and the possibility of a stricter government of Scotland than hitherto, that should grapple with accumulated abuses, bring all ranks into orderly obedience to law, and make his kingship in the northern part of the island as much respected and as salutary for the subjects as the rule of Elizabeth in England. With a country so turbulent as Scotland, and containing so many nobles accustomed to independent power, jealous of the crown, and at feud with each other, this was a hard task; but the King and the Chancellor seem to have returned from their Scandinavian tour with a determination to attempt it by all fit means.

One effect of this determination was a change in the form of procedure in the business of those parts of the realm where disorder was most rife and inveterate,—to wit the Borders and the Highlands. In the last Parliament, held in July 1587, there had been a notable Act respecting those two regions conjointly. This important statute, with two appended documents, may be read in the printed Acts of the Scottish Parliament, vol. iii. pp. 461–467. The Act itself is entitled "For the quieting and keping in obedience of the disorderit subjectis inhabitantis of the Bordouris, Hielandis, and Ilis"; and the appended documents consist of two rolls of names,—(1) a roll of the names of landlords and bailies of lands in the Borders and Highlands, to the number of 22 for the Borders and 105 for the Highlands and Isles; and (2) a roll of the Border and Highland clans depending on chieftains other than the landlords, the number of such for the Borders being 17, and for the Highlands and Isles 34. The Act, which is in nineteen paragraphs, establishes minute and stringent regulations for the future rule of the Borders and Highlands, and especially for the duties of the landlords and chiefs of clans as responsible for the prevention of crime among their tenants and dependents, and for pursuing criminals and bringing them to justice. The first paragraph ordains that, for better execution of the Act and more vigilant attention to the Borders and Highlands in future, there shall thenceforward be a special diet of the Privy Council on the first lawful day of every month, both forenoon and afternoon, expressly for Border and Highland business, and also that thenceforward the proceedings of the Council "in materis concerning the quietnes and gude rule of the Bordouris and Hielandis" shall be kept in a separate Register.—This last instruction, if not most of the other provisions of the Act, seems to have been disregarded; for in the three intervening years, as will have been observed, the General Register has continued to abound, just as before, with entries relating to the Borders and the Highlands, mixed up with other entries, and with no marks of their having emanated from special or periodical meetings of the Council on Border and Highland affairs. Now, however, Chancellor Maitland had bethought himself of this dormant Act of 1587, and resolved to waken it up.

The result was the ordinance, dated at Holyroodhouse 15th June 1590, which may be read in full at pp. 790–792. The ordinance refers to the Borders only ; but it bases itself avowedly on the Act of 1587 relating to both the Borders and the Highlands. His Majesty and certain of his Council, it says, advising together as to the continued misrule among the Borderers, and the means of remedy, had found " all thingis necessair to be done in that behalff in effect weill devisit and set downe already," if only they were " agane walkynnit and anys put in ordour "; and the present ordinance was for that purpose. It appointed Chancellor Thirlstane, Justice-Clerk Sir Lewis Bellenden, Treasurer-Depute Sir Robert Melvill of Murdocairny, Collector-General Mr Robert Douglas of Lincluden, Sir James Home of Cowdenknowes, Sir John Carmichael, and Clerk-Register Hay, to be a Committee of the Council for the affairs of the Borders, to sit every Monday morning in the Tolbooth of Edinburgh on that business, and to report on it every month to the general body of the Council ; it gave this Committee the power of appointing a special clerk for their service and to keep their minutes ; and it made allowance for all other necessary expenses.—In fact, a separate book had already been provided for the use of this Committee. It is a folio volume entitling itself inside " *Liber Actorum penes Hyberniæ, Insularum, et Marciarum Regni Ordinem*," *i.e.*, " Book of Acts appertaining to the rule of the Highlands, the Isles, and the Marches of the Kingdom."[1] This book had been begun very characteristically. It contained, on its first pages, a copy of that Act of Parliament of 1587 by which, so far as it concerned the Borders, the new Committee were to regulate their proceedings, together with copies of the two rolls of names appended to the Act, the Highland landlords and clans included, as well as the Border landlords and clans. See pp. 781, 782. Then there followed a copy of another important document to which the Committee would have constant occasion for reference,—to wit, that famous GENERAL BAND, or pledged agreement of all landlords over the kingdom to be held responsible for the good

[1] The use of *Hybernia* (Ireland) as a Latin name for the Highlands of Scotland as late as 1590, and by a Scottish government clerk, is worth noting.

behaviour of their tenants and adherents, which has been heard of again and again in the pages of the Register from a long while back. See this great constitutional document, printed for the first time, at pp. 787–789. There is yet one other insertion in the volume preceding the ordinance appointing the Committee, viz., the order at pp. 789, 790, to certain Border landlords to find cautions for the conduct of their dependents. Then, the ordinance itself having been inserted, the Committee and Council proceed to use the volume for minutes of subsequent transactions. Accordingly, the history of the Borders, from June 1590 to Feb. 1591–92, so far as it was managed by this Committee, is to be gathered from the series of entries which the reader will find from p. 792 to p. 812. These entries are of varying importance. The most important are the four given consecutively at pp. 796–801, under date August 14, 1590; some are interesting as containing notices of Lord Maxwell, Scott of Buccleuch, and other Border celebrities; but many consist of mere cautions or charges to individual Borderers miscellaneously, with enumerations of names. It is observable that the entries dwindle in number, and come at longer intervals after the first two or three months, as if the Committee exhausted their energy in those months, or found less to do afterwards.—But this is not all. At pp. 802, 803, under date December 16, 1590, there interpolates inself in the series of the Border entries a charge to a number of Highland landlords and heads of clans to find caution, under certain specified penalties, for good rule in their districts, in terms of the same Act of Parliament of 1587 which the Committee had been applying hitherto to the Borders; and at pp. 812–814 will be found a series of cautions for Highland and Northland men, beginning from the same 16th of December 1590, and straggling on to January 1591–92. This seems to mean that the Committee of Council appointed for the Borders by the ordinance of June 1590 was allowed or empowered to extend its operations to the Highlands as well, and so became, as the title given to the special Minute-Book indicates, a Committee for the Borders, Highlands, and Islands.—Even this is not all. At the end of the Book, quite apart from the mass of entries relating to the Borders

and Highlands, and indeed separated from those entries by a great number of intervening blank leaves, is the commencement, and all but perfection, of what was intended to be a complete list of all the landed proprietors over the whole of Scotland, sheriffdom by sheriffdom. This list, so far as it goes, will be found at pp. 783–787. It is a survey of the landed proprietors in Scotland in the year 1590 for twenty-one of the sheriffdoms or other judiciary districts into which Scotland was then divided, and it enumerates no fewer than about 950 persons as the owners of the lands in those sheriffdoms and districts, generally designating these by the names of their estates only, but in a good many cases by their family surnames also. The historical value of such a list can hardly be over-estimated. With the map of Scotland before one, and this list and other information to aid, one could go over the greater number of the shires, dividing each of them into the family-estates or lairdships of which it was composed in the reign of James VI., and inserting the names of the owning families. It is a pity that the list is not absolutely complete. It omits the most northerly shires,—viz., Forfar, Kincardine, Aberdeen, Banff, Elgin and Forres, Nairn, Inverness, and all beyond. It was probably intended to make the survey complete by adding these. There can be little doubt, in fact, that this MS. list of the landed proprietors of Scotland, in the hand of the same clerk who kept the minutes of the Committee of Council for the Borders and Highlands, and written in the same book, though as a kind of appendix, is to be taken as evidence of a desire on the part of Chancellor Maitland to bring the whole of Scotland within grasp for purposes of taxation and administration, and to apply to all parts of it the rigorous supervision which it had been attempted to institute for the Border districts and the Highlands.[1]

[1] In 1594 there was published in Edinburgh, by the printer Robert Waldegrave, a tract of forty-eight leaves, which was reprinted, with changes, in London in 1603, "for John Flasket, dwelling at the signe of the Black Beare in Paules Churchyard," under the title *Certayne Matters concerning the Realme of Scotland, composed together*. The author of this rare and curious tract was John Monypenny of Pitmilly, and the second or London edition brings down the information to 1597. The most valuable portions of the tract by far are fourteen pages in double columns containing "The Names of the Barons, Lairds, and Chiefe Gentlemen in every sherifdome," and three following pages enumerating "The Names of the principall Clannes and Surnames in the Borders not landed, and Chiefe Men of note amongst them at this present." This portion of the tract, if not the

It is in the General Register, however, that we trace the main line of affairs in Scotland through the year now under notice :— Immediately after the bustle attendant on the arrival of the King and Queen from Denmark, the coronation of the Queen, her entry into Edinburgh, the entertainment of the Danish ambassadors who had accompanied her, and the departure of these ambassadors (see footnotes pp. 482 and 484), there was a resumption of the ordinary course of government, with something of that fresh zeal for order and discipline with which the King and the Chancellor were both now inspired. For various acts and orders testifying to this zeal in general administration and justice over the realm throughout the year see pp. 490, 508, 513, 519, 552, 572–574, 590–591, and 597. At pp. 484, 548–549, and 562 are evidences of renewed action against Jesuits and seminary priests, especially in the person of Mr James Gordon, uncle of the Earl of Huntly, but with implication of the Earl himself and other resetters and abettors of that active Jesuit agent; and at pp. 501, 502 is an ordinance reverting to the subject of the Brig of Dee rebellion and the conditions of indemnity for that offence. Certain minutes relating to Aberdeen and disorders among the Aberdonians at pp. 486, 505, 524, and 533 have perhaps also a latent retrospective reference to that rebellion. The feud between the Forbeses and the Gordons in the north comes into notice at pp. 493–494, 512, and 594–595; and the larger and more complex feud between the Earl of Huntly, as head of the Gordons, on the one hand, and the Earls of Moray and Atholl, on the other, with the Laird of Grant involved, figures at pp. 496, 540, 569–570 (where see footnote), and 597. A deadly feud between the Veitches and the Tweedies of Peeblesshire, which made a great stir at the time, occasions several orders, *e.g.*, at pp. 495, 496, and 551. For judicial cases, criminal or civil, of various interest, see pp. 491, 502, 523, 542–3, 545, 555–6, 557–8, 558–9, 568, 577–8, 579, 584, 587–8, and 601. That the business of

whole, might be worth re-editing; and there might be advantage in comparing the lists with those given in the present volume (pp. 783–787) from the Privy Council Registers. Pitmilly's lists for 1597 do not quite correspond with ours for 1590, and seem less perfect for the shires included in ours. They give, for example, but 39 names for Edinburghshire, while our lists gives 59, and but 93 names for Fifeshire, while our lis gives 148. On the other hand, Pitmilly's list includes the northern shires, omitted in ours.

the Borders and Highlands was not wholly relegated to the special Committee of Council for the Borders is proved by pretty numerous entries in the General Register. A series of Acts relating to the Highlands, and chiefly to the Clan Gregor and the clans about Lochlomond, will be found at pp. 509, 528–9, 535, 541, 555, 556, 599, 604, and 607; and a series relating to the Borders at pp. 520, 530, 561, 565, 566, 580 (the West March and Carmichael of that Ilk as Warden there), 585 (the Middle March and Ker of Cessford as Warden), and 589. An instance of the assertion of Crown rights over the nobles will be found in the Act at p. 506, calling the Earl of Morton to account for the unauthorised marriage of his daughter with the Earl of Errol. The determination of the King to maintain some jurisdiction still over the Presbyterian clergy appears in the revived proceedings, at pp. 500 and 504, in the case of Mr James Gibson, for his old offences and continued contumacy; while the important Act at pp. 521, 522 illustrates, on the other hand, the state of friendly relations with the Kirk on the whole into which Chancellor Maitland had brought the King, and the disposition of Maitland and the King to avail themselves of the Kirk Courts and Presbyterian discipline for the purposes of social order. See footnote pp. 522, 523, and see also No. 37 at p. 831 among the *Miscellaneous Papers*. Coinage Acts will be found at pp. 508 and 574; an Act for economy of the revenue at p. 551; and very interesting Acts concerning commerce and the economy of the royal household at pp. 514, 526, 589, 596. Of political relations with foreign countries we hear nothing, except in the notice of the appointment of Sir William Stewart on an embassy to Germany, and the notice at p. 536 of the appointment of Lord Fleming as ambassador to Denmark. The relations with England were now close and constant, Elizabeth approving much of James's recent policy of stricter rule with his subjects, and expressing this feeling in letters to him,—in which she took occasion, however, to warn him against the continued excesses of his clergy in their pulpit orations, and their sympathies with the extreme Puritan sectaries or Marprelatists who were then troubling her in England, and begged his co-operation with her against

such dangerous enemies to sovereignty and order in both kingdoms. The Register presents at least one example of the effects of these remonstrances, in the order for the expulsion from Scotland of the poor Welsh Marprelatist preacher John Penry, so celebrated in the annals of English Nonconformity. See the order at pp. 517, 518, with the footnote there. For a later instance of the willingness of James to oblige Elizabeth by hunting down or surrendering any of her troublesome subjects that had taken refuge in Scotland, see, at pp. 597, 598, the order for apprehending the Irish chieftain O'Rourke.

THE BOTHWELL CONFUSIONS AND THE PRESBYTERIAN SETTLEMENT.

April 1591—*July* 1592.

Maitland's efforts at stricter rule and firmer maintenance of the authority of the Crown had been but moderately successful, and had roused the bitterest enmity among the nobles, and among all others whose interests were assailed or threatened. The diffused discontent among the nobles had found a representative at last in the King's cousin, Francis Stewart, Earl of Bothwell. Already known for some years as a restless, reckless spirit, and lately, as we have seen, an accomplice of Huntly, Errol, and the other heads of the Spanish conspiracy in their Brig of Dee rebellion, it is from April 1591 that Bothwell steps forth by himself in that character of ringleader of new commotion and disorder in which he was to vex the souls of James and Maitland, and perturb Scottish history, for the next four years. His career does not close with our present volume; but from p. 609 of the volume to the end he is the principal single figure, flashing out in a series of entries dedicated wholly to himself, and determining many of the others indirectly by his movements. What were Bothwell's real purposes and objects, if he had any capable of being defined in coherent political language, no historian of Scotland seems to have been able to make out; nor perhaps is it possible, with the means we have at this distance of time, to form any distinct image even of the physiognomy and temperament of the man. All that is apparent for the fifteen

months with which we are now concerned is that he hated Chancellor Maitland with a deadly hatred, and was resolved, by any means, however desperate, to upset the Maitland Government.

At pp. 609, 610, under date April 21, 1591, with footnote there, Bothwell is found in ward in Edinburgh Castle, to which he had been committed six days before on a charge of high treason, in having been plotting or imagining the King's death for some time past, and consulting with witches and necromancers on that subject. The orders that then go out are for the appearance or apprehension of one of his servants, and the dispersion and good behaviour of the rest till the day of his trial. After intermediate orders in the same matter at p. 614 and p. 624, we come to a proclamation on the 25th of June, showing that Bothwell has escaped, denouncing his treasons more explicitly and emphatically, forbidding all intercourse with him, and summoning armed levies round the King for pursuit of the traitor. See pp. 643–645, with footnote. At pp. 648 we find the King at Kelso after Bothwell, trying to capture him in his Border haunts, but missing him there, and obliged to be content with the seizure of his castles and the oaths of the Border lairds not to assist him. At pp. 662 and 666 we are aware that Bothwell, far from being suppressed, has been moving between the Borders and Edinburgh, alarming the citizens of Edinburgh by his appearances among them or near them, and that, Lord Hume, Warden of the East March, having joined in his rebellion, and others being suspected of sympathy with him, another expedition to the Borders is in preparation. Suddenly, at p. 668, we find the expedition countermanded, Lord Hume and others having deserted Bothwell and surrendered, and Bothwell himself a proscribed fugitive in or towards England, denuded of all his honours and offices in Scotland, and with a hue and cry after him. This is early in August 1591; and for four months or more from that date Bothwell seems to be extinguished. But he had not been extinguished. He had reappeared in his Border haunts, and even in Leith; no one knew where he might break out; and on the night of the 27th of December 1591 he

broke out where he was least expected,—actually inside Holyrood Palace itself, battering at the doors of the King's chamber, the Queen's chamber, and the Chancellor's apartments. For the details of this daring attempt of Bothwell to seize the King and Queen, and by that means, and by the murder of the Chancellor if necessary, effect the revolution he wanted, see footnote at pp. 705, 706. The attempt was foiled; and, as appears at footnote p. 710, and at pp. 713–714, 716–717 and footnote, and pp. 718, 719, there was considerable show of energy, through January 1591–92, in the quest after Bothwell and his associates and abettors. What had come out, however, was that he had been abetted and assisted in his attempt, more or less, by persons round about the King and in his intimate confidence. The Duke of Lennox, Colonel William Stewart, and not a few others, were of the party who were tired of Chancellor Maitland's premiership; and their impatience of it was such that they would have been glad to see it brought to an end even by Bothwell's rough instrumentality. The young Queen herself, who had disliked the Chancellor from the first on account of his reluctance in the matter of her marriage with James, was known to be on the side of his opponents. Only the King himself stood firm by the Chancellor, and was resolved not to part with him. Nor had the King ever manifested such a passion of personal anger against any political culprit, such a desire for real and severe revenge, as now against Bothwell. This cousin of his own, the son of an illegitimate son of his grandfather James V., appears to have become to him an object of personal dread.

Through what may be called the first stage of the Bothwell confusions, thus extending from April 1591 to February 1591–92, there had, of course, been a good deal of ordinary business. For Acts of general administration and police see pp. 660 and 695; for Coinage Acts, pp. 620, and 714, 715; for a Revenue Act, p. 691; for some orders and decisions in suits relating to the tax for expenses of the entertainment of the late Danish visitors, pp. 634, 635, and 678; and for Acts and Decisions in matters commercial and economic, pp. 615, 627, 650–3 (the Low Countries), and p. 674 (French wines). About Border matters there are

minutes of some importance at pp. 614, 623, 624, 642, 648, 649, 654, 674, and 696; and the Highlands came into notice again at pp. 682–684 and 687. The most interesting private judicial cases are perhaps those at p. 617 (the Forbes family), pp. 621, 625, pp. 628–9 (Earl Marischal and Lord Altrie), pp. 631, 632, 637, p. 656 (Countess of Errol and Campbell of Glenlyon), p. 657, p. 669 (abduction), pp. 680, 682, p. 688 (a challenged assize), pp. 698, 699–700, 702, 707, 708, 711, and pp. 722–723 (Countess of Gowrie defendant). For matters of Church and Religion see p. 619 (Roman Catholics), p. 622 (parish church and churchyard of Lindean), p. 628, pp. 641, 642 (Bishopric of Ross), footnote at p. 653, and p. 664 (Bishopric of Ross again). Full of interest in themselves, and ominous of more than appears there, are the notices at pp. 626–7, 646–7, and 663–4, of the Earl of Huntly in his standing feud with the Laird of Grant. It was no mere feud between the Gordons and the Grants, but involved the larger feud between the Earls of Huntly and Moray, as the two rival chieftains of the North, with bitter legends of family enmity between them from the time of Regent Moray and his dealings with the Gordons in name of Queen Mary. This feud may be said to have been now a kind of vortex of tumult in the North and in the Highlands generally, drawing into it, on the side of Moray, all that had independent reasons for strife with Huntly and his Gordons. The Earl of Atholl and his Stewarts, the persecuted Clan Gregor, the Mackintoshes, and other Highland clans, besides the Grants, were on the Moray side of the feud (see footnote at pp. 570, 571). For some time the disturbances caused by the feud, the mutual raids, plunderings, and slaughters among the Gordons, Grants, and others, had been such a spectacle of anarchy in the North that, when the Bothwell confusions on the Borders and in the South were added, the state of Scotland altogether seemed to be becoming a disgrace to civilisation. No class of persons spoke out this opinion more earnestly than the Presbyterian clergy. They were never tired of reflecting on the King and Chancellor for the defects of their administration, and especially for their indifference at heart to those counsels of persistent severity against Huntly, and ruthless extirpation of all relics of

the Roman Catholic leaven among the nobles or in the rest of the population, which were, and had been for some years, the one recipe of the Kirk for the cure of the political disorders. Possibly, had the King been a soldier, and capable of walking from south to north, and from north to south again, with a steady army of 5000 men, he might have reduced Scotland to order in that way. As it was, he and the Chancellor had to temporise, watch the increasing confusion, and try expedient after expedient.

Against one form of Scottish crime the King was most exemplary. For an adequate idea of the extent to which witchcraft and the horror of witchcraft pervaded Scottish society in the reign of James, one has to go to the criminal records of that reign; and it is only incidentally that the subject comes into the Register of the Privy Council. At p. 392, and p.433, however, the famous Highland case of Lady Foulis makes its appearance; and at p. 591, under date March 5, 1590–91, the reader may be startled at finding Boswell of Auchinleck, the ancestor of Dr Johnson's Bozzy, under ban of the Council as notorious for his dealings with witches and his practice of sorcery on his own account. As is explained in the footnote to that entry, he was but one out of scores of persons then under accusation or suspicion for the same crime. A sudden epidemic of *diablerie* seems to have broken out in and near Edinburgh during the King's absence in Denmark through the winter of 1589–90, and to have lasted through the whole of the next year and the next. No man of public mark, it appears, had been so deep in this witchcraft business as Bothwell, so intimate and incessant in consultations with the noted witches and warlocks of the time, and especially with the warlock-in-chief Richie Grahame; and in that charge of high treason on which Bothwell had been arrested and imprisoned in April, 1591, and which had driven him into his subsequent course of wild rebellion, the main item had been his having conspired with such infernal agencies for the death of the King and for his own ambitions in the State as depending on that event. See again the footnote at p. 610, and also pp. 643, 644, and footnote, where some account is given of the trials and fates of the two most famous witches of the time, Barbara Napier and Euphame

M'Calyeane, and of the extraordinary interest shown by the King personally in these particular trials, and the pains he took, in an express oration in the Tolbooth, to disabuse the minds of some of the Edinburgh people of their sceptical notion that witchcraft was mere phantasy, and to teach them the true theory of the subject. His teaching seems to have been effective; for at p. 680, under date October 26, 1591, may be read the Act of Council appointing a commission of two lawyers, two burgesses of Edinburgh, and two Presbyterian clergymen, one of these last the dignified and honoured Mr Robert Bruce, to discover wizards and witches throughout the realm, with power to examine them under torture. Almost the final reference to the witchcraft subject in the volume will be found in the footnote at pp. 729, 730, where the arch-warlock Richie Grahame is himself strangled and burnt at last, boasting to the very end of the high disciples and accomplices that had come about him in his craft of sorcery, and of Bothwell as the latest and greatest. Grahame, "deboshed Richie Grahame," as Bothwell called him at the time, seems to have been a thorough scoundrel; and one pities him less than the poor woman Euphame M'Calyeane, who had been strangled and burnt on the Castle Hill of Edinburgh about eight months before, protesting her innocence. Perhaps this is because one had heard of her by name in earlier entries in the Register, in no connection whatever with witchcraft, but only in circumstances natural enough to one who was the wife of a well-to-do Edinburgh advocate. For such earlier notices of her and of her husband's family see Vol. III. and the present Volume by the Indexes. Very probably, after all, she was a woman of dark and malignant ways, who had duly earned her reputation, and of whom Edinburgh was glad to be rid.

Into the midst of the epidemic of witch-trials and search after witches, and into the midst also of the Bothwell confusions and the general anarchy consequent on them, there fell, on the 7th of February 1591–92, the terrible tragedy of Huntly's nocturnal attack on the house of Donibristle, near Aberdour, on the coast of the Firth of Forth opposite to Edinburgh. For the story of the attack, and the burning of the house, and the murder by Huntly,

or by his men for him, of his great hereditary enemy, the Earl of Moray, after he had burst through the flames and escaped to the sea-beach, see footnote at p. 725.

Ye Highlands and ye Lawlands,
Oh! where have you been?
They hae slain the Earl o' Murray,
And laid him on the green.

"Now wae be to you, Huntly!
And wherefore did ye sae?
I bade you bring him wi' you,
But forbade you him to slay."

He was a braw callant,
And he rade at the ring;
And the bonnie Earl o' Murray,
Oh! he micht ha' been a king.

He was a braw callant,
And he rade at the gluve;
And the bonnie Earl o' Murray,
Oh! he was the Queen's luve.

These verses of the old ballad commemorate exactly enough, though in mere poetic hints, the rumours that ran about at the time, and that find countenance even in prosaic records. Had not Huntly done the deed treacherously at the very time when Lord Ochiltree was trying, with apparent authority from the King, to bring Huntly and Moray together and to end their feud by a reconciliation; had not the King and the Chancellor, though never intending or contemplating such a bloody issue to the enterprise, yet abetted it by "a blank commission" or the like to Huntly for Moray's capture; and, though there might be a political reason for this in the fact that Moray was in sympathy with Bothwell, was there not another and deeper reason in the King's jealousy of Moray's extraordinary personal handsomeness and his prodigious popularity? Certain it is that the murder of Moray was the theme in the Lowlands and in the Highlands for months, and that from the day of the tragedy the state of Scotland was one of confusion worse confounded. For the immediate proceedings against Huntly, ending in his voluntary warding of himself in Blackness Castle, and his speedy liberation thence to withdraw

himself scot-free into his northern domains, see footnote at p. 726, p. 733 and footnote, and pp. 734, 735 and footnotes. How this leniency to Huntly swelled the popular uproar, increasing the number of Bothwell's partisans among the nobles and lairds, and driving even the Presbyterian clergy into some amount of sympathy with him, on the ground that a revolution even by *his* means might make matters better and could hardly make them worse, and how the King thought it prudent to be as much out of Edinburgh as possible while the clamour was at its height there and the libels against him and the Chancellor were flying fastest, may be gathered in part from the footnotes at pp. 729, 733, 734, 736, 741, 746, and from the fact that, though there are sederunts of a working residue of the Council in Edinburgh from the end of February 1591–92 to May 1592, some of the sederunts of the main portion of the Council during those months are dated at Glasgow, Linlithgow, Perth, Falkland, and Dalkeith. Of general administrative Acts during these months there were but few, the the most important being a Coinage Act at pp. 730–733, an Act respecting an expected arrival of Spaniards in the Orkney and Shetland Isles at p. 739, and an Act at p. 744 ordering a return, for Revenue purposes, of the rentals of the benefices of the whole kingdom. Of Judicial Acts only that at p. 737, in the suit against Lady Romannos, is of much consequence. The energies of the King and the Chancellor, so far as they were not paralysed by the consequences of the murder of the Earl of Moray, were engrossed with Bothwell. The perturbing force of that strange man seemed now ubiquitous. Not only in the Borders or in approaches thence to Edinburgh, but north of the Firths as far as Dundee, and still farther north to the extremities of Caithness, he was heard of as moving about in person or as active through his adherents and sympathisers. See p. 741 footnote, and pp. 748, 750. All pursuit of him had failed, and there was dread and uncertainty as to the spot he would select for a new outburst.

Precisely at this point, when the Chancellor-Premiership of Maitland seemed at its lowest ebb, there came from him that crowning stroke of his policy which, had there been nothing else, would have signalised the period of his government and made

him a memorable man in Scottish History. After nearly five years of interval since the last Parliament of July 1587, another Scottish Parliament had met in Edinburgh on the 24th of May 1592. It sat till June 5, and when it rose on that day 181 Acts had been added to the Scottish Statute-Book. For an account of some of these Acts see footnote at pp. 748–750. Towering above them all, even above the Ratification of the Process of Forfaulture against Bothwell, was that great *Act for abolisheing of the Actis contrair the trew Religioun* by which the Kirk of Scotland was constituted for the first time legislatively and formally on the strict Presbyterian basis. All the contemporary authorities are agreed that this Act was essentially Maitland's own. They generally add that he was forced to it by his difficulties at the time, and especially by the sense of his recent discredit with the Presbyterian clergy on account of the affair of the Earl of Moray, and by his desire to quash any possible alliance between the clergy and Bothwell, renew his own hold of them, and take them along with himself in full strength for the future. The truth seems rather to be that, having come to the conclusion, early in his premiership, that a Presbyterian settlement of the Kirk, with some powers and checks left with the Crown, would be a wise piece of statesmanship for Scotland, the differences between Scotland and England duly considered, he had been working all along to that end by bringing the King into more and more friendly relations with the Presbyterian kirkmen, and had at last taken advantage of his full opportunity. At all events, the first thorough legal establishment of the Presbyterian system in Scotland dates itself June 5, 1592, and belongs therefore to the Premiership of Maitland of Thirlstane, the ancestor of the house of Lauderdale.

Our present volume proceeds two months beyond that date. During those two months, the reader has to understand, there was a new Privy Council round Maitland, consisting of those persons, just designated for the trust by Parliament, of whom a list is given in the footnote at pp. 749, 750. Substantially the nucleus of the Council remained the same as before, but with some changes among the minor and non-official members. As

was natural, some of the most important Acts of this new Council during the two months had reference to the Kirk. See the Act at p. 753 appointing Commissioners for the Crown to co-operate with the Commissioners of the General Assembly in the discipline and police of the whole kingdom, the Act at pp. 758, 759 in preparation for the next General Assembly, and the Act at pp. 773, 774, confirming the procedure of the presbytery of Dumfries against an obstinate Roman Catholic. An Act of some interest as illustrating the commercial relations between Scotland and the Dutch States will be found at p. 751, and judicial cases of some interest at pp. 757, 770, and 772. Two Acts enforcing an Act of the late Parliament against refractory Highland chiefs will be found at pp. 754 and 755; and at p. 758, and pp. 767–769 are several Acts relating to the Borders, in which our chief surprise is to find the questionable Lord Maxwell, after all his vicissitudes, once more Warden of the West March. Not only is he re-appointed to that post in lieu of Sir John Carmichael, made Captain of the King's Guard, but he is publicly named again by his old title of Earl of Morton, which had been revoked in 1586,—the question of his legal right to the title being left for dispute between him and William Douglas, the Earl of Morton then in possession. See p. 767, footnote. It was at Dumfries, in July 1592, that these Acts were passed in favour of Lord Maxwell and for further regulation of the Borders; and they connect themselves vitally with another business which had brought his Majesty and part of his Council again into those parts. For it was Bothwell, the irrepressible Bothwell, that still troubled all, and exercised the King, the Chancellor, and the Council, almost out of their wits. In the beginning of June, just after the Parliament had risen which had confirmed his forfaulture and degradation, there was still uncertainty as to the scene of his movements, but dread of an outburst from him somewhere, and of the ramifications of his conspiracy. Hence the Act at p. 752, under date June 8, for a proclamation against the Master of Gray and his brother as two of Bothwell's ascertained adherents and accomplices. Twenty days after that Act, however, or on the 28th of June, Bothwell was heard of him-

self, and in characteristic fashion. From shortly after midnight to about seven o'clock in the morning, he besieged the King and Queen in Falkland Palace with an armed force, bent on carrying them off, and putting them in terror for their lives. Having failed in the attempt, he was away again before the Fifeshire lieges had mustered in sufficient number to prevent his escape. See details of the attack on Falkland p. 761, footnote; and for the consequent series of new Acts against Bothwell and his adherents, first at Edinburgh, whither the King had hastened from Falkland, and then at Dumfries and elsewhere on the Borders in the King's expedition of pursuit, see pp. 762, 763, 765, 769, and 770. See also No. 44 of the *Miscellaneous Papers*, at pp. 833, 834, for the examination of Colonel William Stewart as to his complicity with Bothwell. On the 31st of July 1592, the point at which our present volume stops, Bothwell's mad attempt at Falkland Palace was the fact in all men's mouths,—Bothwell himself still at large, a fugitive indeed, but with unexhausted energies and powers of mischief. The date may be remembered also as exactly two months after the first thorough establishment of the Presbyterian system of the Kirk by the Parliament of 1592, and after Maitland of Thirlstane had entered on a new lease of his Premiership as the centre of a Council nominated by the same Parliament.

While the attempt in the preceding pages has been to note the most important of the Acts and Minutes in this volume of the Register in their chronological order, and also, more generally, to show how, by a proper study and interpretation of these, a period of Scottish History which has hitherto been little more than an unintelligible blur in the national annals may be reduced to something like order and clearness, it is not to be supposed that everything in the volume has been pointed out that may interest the student of old Scottish society, or even of old Scottish politics. On the contrary, it is believed that the full wealth of the volume is to be ascertained only by interrogation of it at all points, and for an indefinite multiplicity of purposes, through the Index. As it has been edited strictly on the

principles adopted and announced in the preceding volume,—not only the principle of including every extant minute or document without exception, and representing the entire matter of each in varied proportions, from perfect transcript to condensed abstract, but also the more laborious principle of preserving rigidly every proper name occurring in any document, and all lists of proper names, however numerous,—it is hoped that whoever may consult the volume for any purpose whatever, large or small, appertaining to the seven years of Scottish life between July 31, 1585 and August 1, 1592, will find absolutely all that the Privy Council Records can supply bearing on that purpose. For example, though there have been indirect references in the preceding pages to matters affecting particular towns and burghs, the volume may be consulted specially and expressly for a good deal of curious information respecting the municipal and social histories of Aberdeen, Ayr, Crail, Cupar-Fife, Dumfries, Dundee, Edinburgh, the Canongate, Forfar, Irvine, Jedburgh, Kinghorn, Montrose, Perth, Renfrew, St Andrews, and Stirling. About the state of Literature in Scotland there is little or nothing in addition to the book-trade Act already mentioned as having been passed in February 1589–90 in favour of Andro Hart and John Norton, booksellers of Edinburgh (p. 459). Almost all that bears on the subject of Education is contained in the Acts at pp. 74–75, 370, 639–641, and 661, relating to the University of St Andrews, though the chief interest of these Acts lies in their connection with the biographies of Archbishop Adamson and Andrew Melville. These two personages may be said to divide between them the few mentions made in the volume of men remembered now for their literary eminence. Archbishop Adamson appears in it in his decline, and, after having been heard of in some of the earlier sederunts of the Council, and as the subject of one or two Acts of Council, drops into his grave, in penury and neglect, in a mere footnote at p. 727. Melville, on the other hand, back from his exile in England with the Banished Lords as early as p. 27, flourishes more and more through the volume as Adamson wanes, and, after being heard of as above in his St Andrews connections in the text of the

Register, and elsewhere necessarily and repeatedly in footnotes, survives at the end, still in his prime, as the chief, or the twin-chief with Mr Robert Bruce, of the now triumphant Presbyterianism. Of John Napier of Merchiston, the inventor of Logarithms, and all in all the most remarkable Scottish mind of his age, there is just a trace, amid various and pretty frequent mentions of others of his ingenious family. The poet Drummond of Hawthornden was but a child of six at the close of the volume, and is only anticipated in it in one or two mentions of his father, as one of the King's ushers. The volume contains, however, a whole population of Scots of all ranks, living and moving about, and known more or less by name and headmark, between 1585 and 1592; and any one of that population respecting whom any one has now occasion to make inquiry will be found easily enough by the Index.

The enormous number of proper names in the volume has made the preparation of this Index a work of no ordinary laboriousness for my conscientious and altogether invaluable assistant, Mr James Grant, M.A. For the pains he has bestowed upon it, as well as for the continuance of his tried services in deciphering, transcribing, and abridging, and his able co-operation with me in the text from first to last, I owe him my very best thanks. My acknowledgments and his are also due, as they were in last volume, to the head of the Historical Department of the Register House, Mr Thomas Dickson, for the unfailing courtesy with which he has given his advice in doubtful matters, and permitted us throughout to avail ourselves of his stores of historical knowledge. While I am alone responsible for this Introduction, it is a satisfaction to me to be able to state that it has been kindly revised, at my request, by Mr Dickson.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1585–1592.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA 1585.

g. Sec.Con., a 1585–87. . 12, a.

Sederunt—Joannes, Comes de Montrois; Andreas, Comes de Rothes; Jacobus, Dominus Doun; Patricius, Magister de Gray; Joannes Maitland de Thirlstane, Secretarius; Jacobus Meldrum de Segy; Murdocarny; Clericus Registri. St Andrews, 5th Aug. 1585.

The King and Council had appointed the Exchequer to meet at Falkland on the 1st current, there to continue till the 21st, "and in that space nocht onlie the ordinar comptis to be hard at the dayis appointit, but alswa the comptis of his Hienes thesaurarie for twa yeiris preceding Maii bipast and the generall collectouris compt of the yeir of God 1583, and the remanent suspensionis to be callit and discussit, as alswa the modificatioun of the ministeris stipendis maid for the crope and yeir of God j^{m}v^{c}lxxxv yeiris." Now, however, "becaus of the suspitioun of the pestilence laitlie enterit in Falkland," it is ordered that the Exchequer be removed to Striviling, "thair to sitt" till the said 21st be past. The auditors are, therefore, to "attend upoun the said chekker undissolvite or separate quhill the end thairof," and to "note and mak overturis to his Hienes upoun sic abussis as thai sal happin to perceave in passing throw the saidis comptis and declair thair opinionis how the same may be best amendit in tyme cuming." This order is to be published at the market crosses of Sanctandrois, Coupar, Falkland, and other places needful. The Exchequer to be removed to Stirling. . 12, b.

Caution by Johnne, Earl of Montrois, Treasurer, Andro, Earl of Rothes, James, Earl of Murray, James, Lord of Down, Patrik, Master of Gray, Sir Johnne Maitland of Thirlstane, Secretary, Sir Robert Mailvile of Murdocarny, Treasurer-depute, Sir Williame Stewart of Monktoun, and James Meldrum of Segy, senator of the College of Justice, for James, Caution for the Earl of Arran.

Earl of Arrane, Chancellor, that he shall, when warned, underlie the laws Acta 1585–87.
"for all arte, pairt or foirknaulege of the brek and disordour quhilk happynnit at ane day of trew kepit betuix the Laird of Fairnyhirst, wardane of the Middle Marche of this realme, and Schir Johnne Forrestar, knycht, wardane of the opposite Marche of England, upoun the xxvii day of Julii last bipast, quhair umquhile Sir Francis Russell, knycht, unhappelie chanceit to be slane."

St Andrews, 8th Aug. Caution for David Lindsay and others.

Caution by Johnne Betoun of Balfour for David Lindsay of Vane in 300 merks, and for Alexander and Walter Asseis in Muretoun, Johnne Chalmer in Newbigging, Alexander Chalmer, his son, and George Fyffe, each in £100, that they will not injure Henry Erskin, or his dependents.

Stirling, 9th Aug. Band for George Home of Wedderburn and others.

Registration by James Hoppringle, as procurator for Williame Cokburne of Langtoun, of a band of caution in 1000 merks by Cokburne for George Home of Weddirburne, Mr James Home, his brother, and Mr Patrik Gait, minister, that they shall obey the Council's decree "concerning the benefice of the personage of Dunce," and that they shall not molest Mr Petir Danielstoun, in his person, benefices or goods. The band is subscribed at Langtoun and Weddirburne, Aug. 6, 1585, before these witnesses: Mr Thomas Craig, James Johnnstoun of Elphingstoun, and Patrik Johnnstoun, his son. Fol. 13, a.

Stirling, 11th Aug. Order for Proclamation against Jesuits.

The preamble runs thus:—"Forsamekle as, albeit the suretie and trew professioun of the Evangell hes bene accepit and embraceit be the inhabitantis of this realme of a lang tyme bipast, and defendit be thame from tyme to tyme with hazard of thair landis, lyveis and guidis, nocht the les, as Sathan frome the begynning hes evir steirit up his instrumentis for subversioun and exterminioun of the professouris of the Evangill in uthir cuntreyis and realmes, not onlie be oppin force and hostilitie, bot be secreit, extraordinar, and indirect meanis and allurementis, erecting to that effect universiteis and seminareis for instructioun of craftie personis be subtiliteis to illude and blind the eyis of the commoun people, and to seduce thame to thair perverse and damnable sect and opinionis, sa at this tyme, fearing the diminutioun and ruyne of the Paipis authoritie and pouer, sum of the liegis, refuseing thair naturall obedience and allegeance to God and thair soverane Lord, has reterit and depairtit oute of the realme, provoking uthiris to impugne the Evangell,—uthiris, wilfullie persevering in ignorance and obstinacie, lurking at hame, albeit be the testimony of thair conscience and gude and probable ressonis thay be convict, continewis yit in thair opinionis,—be quhais mutuall intelligence in severall foreyne cuntreis certane of the maist leirnit of thair sect, namyit Jesuitis, ar movit to repair hither (being chargeit nochtwithstanding of befoir to depairt oute of the realme) for consulting and executioun of thair wicked decreitis and counsallis, and to perswade sik as thai trow may be easilie seduceit and brocht to thair opinioun, thinking thairby to

Acta 1585-87. obtene thair wicked intent to the overthrow of the professouris of the said religioun, steirit up doubtles and movit be the adversaris of Godis treuth having confederat thameselffis laitlie be oppin force and weir to subvert the same sa far as in thame lyis."—For remedy it is ordered that proclamation be made charging all judges, officers of law, and the faithful lieges, to "mak inquisitioun, serche and seik all and quhatsumevir Jesuitis, and uthiris seditious papistis, repairing and resorting within thair dominionis and boundis," and to present them before the King and Council "to be punist in thair personis conforme to his Hienes lawis and uthiris proclamationis and actis of Parliament." Judges and officers are to "reporte thair diligence" in the matter to his Majesty within a month.

Sederunt—Montrois; Magister de Gray; Thirlstane; Murdocarny; Pittinweyme; Blantyre; Culrois; Clericus Justiciarie; Dryburgh; Clericus Registri. Stirling, 17th Aug.

Order to denounce Johnne Pollok of Over Pollok for failing to appear before the Council as charged to answer inquiries. John Pollock denounced.

Fol. 13, b. Caution by James Law in Dysarte, David Law, his son, and Johnne Law in Spittall, for themselves, and for Andro Law, James Law, James Law, younger, Michaell Law, James Law, Robert Lion, James Stirk, and their accomplices, on the one part, and by George Crystie, Alexander Crystie, and Johnne Alisoun, there, for themselves, and for Johnne Crystie, James Crystie, Henrie Crystie, Johnne Crystie, Thomas Crystie, and Alexander Lathrisk, on the other part, for mutual peace between the parties, each cautioner in 2000 merks.—Deleted by warrant of July 24, 1588. Band for certain men of Dysart.

Caution in 500 merks by Petir M^c^kdowell, younger, of Mauchirmoir, as principal, and Mr Robert Hepburne of , as surety, that the said principal shall answer to the complaint of James Gordoun, chamberlain of Galloway,—Walter, Commendator of Blantyre, and the said Petir becoming bound to relieve the surety. Caution for Peter MacDowall, younger.

Sederunt—Ut in die predicto.

Complaint at the instance of Master David M^c^kgill of Nesbitt, his Majesty's advocate, as follows:—Walter Storok in Drummacrachie, James Butchert in Eister Grange, Alexander Ferryar at Ascurriemylne, Patrik Vauch in Glenboy, Alexander Ferryar in Kincrathmylne, Robert Finla in Mekilour, Andro Wilkesoun in Balkello, George Mitchell in Balludron, Johnne Watt in Auchtirhous, Robert Andirsoun in Tullibody, Johnne Thomsoun in Hiltoun, Williame Moncreiff in Mundy, having been charged to underlie the law "for certane haynous crymes of tressoun and uthiris crymes," and their goods having been put under arrest till their trial, have nevertheless "brokin the saidis arrestmentis, intromettit with thair guidis arreistit, and disponit thairupoun at thair plesure, takand Stirling, 18th Aug. To denounce James Butchart and others.

mair bauldnes to do the same be ressoun of the present pestilence quhair- Acta 1585–87
with the realme is infectit, hoiping that, be occasioun thairof and the staying of the ordinar justice within this realme for ane seasoun, they sall eschaip dew punishment." Accordingly, James Butchert, Patrik Vauch, Alexander Butchert, Robert Findo [? Finla], and Walter Storok had been charged either to enter in ward in the castle of Dunbartane or else to appear before the Privy Council and show cause to the contrary. The defenders, failing to appear, are to be denounced rebels.

Ker of Fernihirst's deposition that the Earl of Arran had no part in the slaughter of Lord Russell.

"The quhilk day Schir Thomas Ker of Fairnyhirst, knycht, comperand personalie in presence of the Lordis of Secreit Counsall, wes examinat and inquirit, eftir that he wes solempnitlie sworne to declair the treuth: quhethir James, Erll of Arrane, Lord Avane and Hammiltoun, Chancellar of this realme, wes previe, art, pairt, or of the counsall, devise or foirknawlege of the lait attemptat and disordour quhilk happynnit at the day of trew kepit at Hexpe-heid betuix him and Schir John Forestar, knycht, Fol. 14, a.
Lord Wardane of the opposite Middle Marche of England, upoun the xxvii day of Julii last bipast, quhair umquhile Francis, Lord Russell, wes maist unhappelie slane. The said Schir Thomas, weill and ryplie advisit upoun the wecht of his said ayth, testifeit and declarit, upoun his fidelitie, saull and conscience to God, and allegeance to the Kingis Majestie our Soverane Lord, that the said James, Erll of Arrane, Lord Chancellar, on na wayis wes arte, parte, or of the counsall, devise or foirknawlege of the said attemptat and disordour, or of the unhappy slauchter of the said umquhile Lord Russell, nor yit wes the said Erll prevey and participant of the appointing of the said day of trew to the said xxvii day of Julii, or of ony thing that happynnit and fell oute the same day, bot utterlie saikles and innocent of the same: quhairupoun Schir Williame Stewart of Monktoun, knycht, askit act of Counsall."[1]

[1] The course of the dispute respecting the slaughter of Lord Russell since July 30, when Arran had been warded in the Castle of St Andrews on suspicion of concern in it (vol. iii. p. 760, footnote), will be indicated by the following abstracts of the correspondence on the subject between the English Court and the Scottish, as registered in the English Calendar of State Papers relating to Scotland (i. 503–505):—*Aug.* 2, *Queen Elizabeth to King James*: "Expresses her grief at the horrible slaughter of Lord Russell. Believes him [the King] innocent in the matter, but fears it will minister to the world great occasion to suspect the sincerity between them. Hopes that he has already given charge that the truth may be sifted out to the bottom." *Same day, Secretary Walsingham to Mr Wotton*: "The Queen thinks it not an accident, because Farnihurst came more strongly accompanied than he was wont, and because the English were chased four miles into English ground." *Aug* 5, *same to same*: "Instructs him to insist more earnestly in aggravating the matter of Lord Russell's murder." *Same day, same to same*: "Her Majesty's approval of his conduct in respect to Lord Russell's murder. Her wish that he should urge certain matters against Arran, so as to prolong the time of his imprisonment." *Aug* 6, *King James to Queen Elizabeth*: "Informs her that he has delivered the Earl of Arran from the Castle of St Andrews, and has ordered him to his own house under restraint." *Same day, Wotton from St Andrews to Walsingham*: "The King's affection for, and relief of, Arran. The Master of Gray a mediator for him. Arran not to come to the King's presence. The King and Council desirous for the League." *Aug.* 7, *same to same*: "The Secretary and the Justice-Clerk are desirous that the Master of Gray's fault should be overlooked for the present. His treachery in receiving money of Arran to procure his liberation from St Andrews Castle." *Aug.* 9, *same to same*: "The Master of Gray very

Acta 1585-87.

Sederunt—Montrois; Down; Thirlstane; Clericus Justiciarie; Murdocairny; Segy; Clericus Registri; Computorum Rotulator. Stirling, 19th Aug.

Arrangements for the King's Guard and for payment of their wages.

Refers to the Act of Parliament of May 22, 1584, making provision for the sure payment of the wages of his Majesty's guard by empowering his Majesty's treasurer "to crave, ressave, intromett and uptak all the portionis of the personis of the conventis of the abbayis, prioreis and nunreis that hes deceissit sen the yeir of God $j^{m}v^{c}$ threscoir yeiris, or sal happin to deceis quhill the same abbayis, prioreis, and nunreis sall vaik and becum fully in his Hienes handis" (Acts, iii. 298, and *ante*, vol. iii. p. 697), and then proceeds:—"Sen the making quhairof the dew pament of the portionis of the saidis personis of the conventis deceissit hes bene gritlie interruptit and impedit throw the pestilence that hinderit exact diligence to be done thairanent, specialie on the north syde of Forth, quhairthrow the said Gaird hes bene for the maist part intertenyit sensyne uthirwayes be our soverane Lordis casualiteis and proffite of his cunyie: Quhilk now likuise staying, and the said Gaird liklie to be frustrat in tyme cuming of the payment of thair ordinar wageis without remeid be providit, thairfoir his Majestie, be advise of the Lordis of his Secreit Counsall and Auditouris of his Chekker, hes appointit, concludit and ordanit that the said gaird salbe reduceit to the nowmer of xl personis, to serve quarterlie, every ane of thame haveand for his yeirlie intertenyment ane hundreth and lx ℔ money of this realme, pait to thame monethlie, quarterlie or termlie, as his rycht traist cousing and counsalour, Williame, Commendatar of Pittinweyme, Capitane of his Hienes Gairdis, sall think expedient and aggrie with thame, ather be delivering of money to thame or making of assignationis to thame at his gude discretioun." For the more certain payment to the said Captain of the Guard, the Earl of Montrois, as Treasurer, and Sir Robert Melvill of Murdocarny, as Treasurer-depute,

penitent." *Same day, Walsingham to Wotton:* "Farnihurst's assertion that the late disorder grew upon cause given by England: her Majesty's indignation. The King to be pressed for Farnihurst's committal. A sharp answer sent to the King in respect to the liberation of the Earl of Arran." *Aug.* 12, *Walsingham to the Master of Gray:* "The King's coolness in the prosecution of those suspected of the late dolorous accident is likely to work great interruption in that which they both seek to preserve." *Aug.* 13, *Wotton from Stirling to Walsingham:* "The King's promise to keep Arran in ward till trial shall be made of his innocency. His coldness in respect to the sending of Arran into England. His desire for the League."—The deposition of Fernihirst in Arran's favour, recorded in the present Minute, was another step in the business. The Sir William Stewart of Monkton who craves the record of the deposition by the Council was a younger brother of Arran.—This day, or the next, Fernihirst was committed to ward in Aberdeen till he too should be cleared. Meanwhile Arran, released from the Castle of St Andrews on the 6th, was in merely nominal ward in his own house of Kinneil, near Edinburgh. Whatever assent he had given of late to the intended League with England, he was now infuriated against the English connection and was busy in trying, by correspondence and messengers from his retirement, to reconstruct that old antagonistic party of the French alliance to which he had always naturally belonged. What he immediately schemed for was readmission to James's presence and his place in the Council; and the unabated strength of James's liking for him rendered that likely enough. On the other hand there were the counter-plottings of the English Ambassador Wotton, the Master of Gray, Maitland, Bellenden, and the other enemies of Arran.

have, by his Majesty's command, with advice of the Council, "transferrit and assignit, and be the tennour heirof transferris and assignis, in the persoun of the said Capitane of the Gaird all actioun and place competent to the said Lord Thesaurare be the said Act of Parliament in his Majesteis name for craving, ressaving, intromissioun, and uptaking of the portionis of the personis of the saidis conventis alreddy deceissit as said is, off the Witsonday terme last bipast and crope of the yeir of God j^{m}v^{c}lxxx five yeiris instant, and in tyme cuming quhill the saidis benefices vaik, siklike as the saidis personis mycht have done thameselffis being on lyve." Acta 1585–87.

College of Justice to sit in Stirling, because of the continuance of the Plague in Edinburgh.

The Plague in Edinburgh having stopped the Courts of Justice there last session, and its continued progress rendering it dangerous to resort to Edinburgh, "the tyme of the nixt Sessioun approcheand eftir Martymes," the King, with advice of his Council, "hes maid chose of the burgh of Striveling, quhair his Hienes presentlie makis residence, being free, prasit be God, of all suspitioun of the pestilence, to quhilk burgh all his subjectis having thair caussis to attend on may maist saulflie and easilie repair without the stop or hinderance of ferreis." Proclamation to that effect is to be made at the market cross of Striviling and other places, charging the members of the College of Justice and all having suits depending, "that thay addres thameselffis to attend on the Sessioun quhilk, God willing, sall begin at Striveling the xii day of November nixt to cum,"—the King's advocate and others having complaints to "present thair supplicationis thairupoun to the Lordis of Secreit Counsall, quha sall appoint justice courtis to be sett for calling of the parteis complenit upoun to underly the law at Striviling, as they sall find caus worthie and requisite, and sall undirstand the cuntreis fra quhilk the parteis and assessouris mon repair to be free of the said pestilence," and the Provost, Bailies, and Council of Stirling to "prepair thairin a sufficient tolbuith and counsalhous, with buirdis, baris, sealis, and uthiris asiamentis necessar for the said Sessioun." Fol. 14, b.

Caution for John Kincaid of Warriston.

Caution by Patrik Monypenny of Pilrig for Johnne Kinkaid of Warestoun, that he shall pay the rents and duties of certain lands occupied by him to James, Earl of Arrane, of whom the same are said to be held.

More regulations anent the Plague: commission to the provost and bailies of Stirling.

The Plague still "spreding in diverse pairtis of Louthean, Fyffe, and aboute Perth," the King, his Council, and the Lords of Exchequer with him at Striviling, have resolved that an ample commission be given to the Provost and Bailies of the said burgh for preventing the access of suspected persons, expelling "idill vagaboundis and sturdy beggaris," and considering "how the ordinar pure within the toun may be relevit and supportit at thair houssis, or be permissioun to seik almous with the takynnis, in sik sort as thai be nocht noysum or troublous to his Majestie, nobilitie, or strangearis." Charge is to be given to the said Provost and Bailies not to admit any "cumand fra ony places or pairtis xii myllis be eist of the said burgh of Striviling without sufficient testimoniallis be schawne, and that the Lordis sittand togidder be adverteist and allow the same, at the leist

Acta 1585–87. three of thame togidder, the Thesaurar or Secretar being ane of that nowmer"; also, "that na wemen, bairnis or vagabound people, duelland or having thair commoun resorte in ony pairt duelland xii mylis eistward fra Edinburgh presume to repair thairto or be fund wandering ewest the same, undir the pane to be punist, persewit and demanit as vagaboundis"; also, "that na personis now resident in the said burgh of Striviling, be occasioun of thair awne ordinar habitatioun or throw his Majesteis service, presum to repair furth of the said burgh, or repair thairto agane gif thai sall pas the space of xii myllis ony wayes eistward thairfra, or to ony part now knawne to be infectit with the pestilence, without leiff first socht and obtenit of the saidis Provest and Baillies for gude and sufficient caussis, and the same sene and allowed be the Lordis of Counsale and Chekker." Proclamation of the same to be made at the market crosses of Linlythgow, Culros, Kinros, Dunfermling, and Sanctandrois.

Fol. 15, a. Caution by Alexander Young, merchant, burgess of Striveling, for Johnne Douglas, burgess of Craill, that he shall pay to Patrik, Lord Lindsay of the Byris, the sum of £7, "for his pairt of the twa lait taxationis." Stirling, 23rd Aug. Caution for John Douglas.

Caution in 20,000 merks, by Johnne Ogilvy of Kynnordie, Alexander Ogilvy of Egles, Thomas Ogilvy, apparent of Quith, and Mr Walter Lindsay of Kemphill, for James, Master of Ogilvy, that Patrik Wod of Bonnytoun, his tenants and servants, shall be skaithless of him. Also the said Master of Ogilvy becomes bound to relieve his cautioners of their obligation, and to that effect to report, within 15 days of this date, under a penalty of 10,000 merks, an obligation of caution subscribed by David Lindsay of Edzell, David Grahame of Fintrey, Gilbert Ogilvy of that Ilk, Ogilvy of Clova, Ogilvy of Inchemartine, Mr James Ogilvy of Balfour, Robert Erskin, fiar of Dun, Thomas Ogilvy of Kenny, David Gardin of Leis, and Johnne Erskin of Logy, or any two of them; upon the reporting whereof the present Act shall be discharged and the cautioners above-written freed. "And Patrik Gordoun of Auchindoun, knycht, and Johnne Gordoun of Petlurg, to stand oblist as cautionaris for quhatsumevir contraventioun that may be allegeit aganis the said Maister preceding the date heirof." Stirling, 25th Aug. Caution for the Master of Ogilvy.

Sederunt—Joannes, Comes de Montrois; Jacobus, Dominus Down; Patricius, Magister de Gray; Joannes Maitland de Thirlstane, Secretarius; Willelmus, Commendatarius de Pettinweyme; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Murdocarny. Stirling Castle, 26th Aug.

Robert M^c^kilwraith, burgess of Edinburgh, Walter Jamesoun, bastard son of Johnne Jamesoun, burgess of Air, Johnne, George and Robert Jameson, burgesses of Air, Alexander Ros, James Ros, Hew Hume, Hector Nicholl, Charles Campbell, James and Johnne Campbell, appearing personally, Protest by Robert Mac-Ilwraith and others.

and giving in a copy of letters raised against them by Adam Stewart, also burgess of Air, charging them to answer "tuicheing the umbesetting of him and certane honnest men being in his company upoun the xvi day of Julii last bipast, persute and hurting of sindrie of thame in divers pairtis of thair bodyis to the effusioun of thair blude in grite quantitie, and uthiris crymes," protest that, as the said Adam has not appeared to sustain his charge, proceedings against them shall stop till they are farther warned by other letters and their expenses paid. The protest is admitted. Acta 1585–87.

Protest by Walter Jameson and others.

Protest also admitted in favour of Walter Jamesoun, son natural of Johnne Jamesoun, burgess of Air, Robert M°Ilwraith, merchant, Johnne Jamesoun, George Jamesoun, Robert Jamesoun, Charlis Campbell, James Campbell, burgess of Air, Johnne Campbell, Johnne Auld, Alexander Ros, James Ros, Hectour [? Hew] Home, Hector Nicholl, Johnne . . . , and James Steill, all summoned before the Council to answer a complaint by one whose name they did not know, and who had failed to appear. Fol. 15, b.

Stirling, 27th Aug. Commissions for vigilance against the Plague to be given to burghs and parishes.

The Plague still raging and spreading, the King and Council ordain "commissionis to be maid to quhatsumevir burgh or parrochin that sal happin to seik the same, gevand unto thame pouer to mak and prescryve statutis within thameselffis as thai sall think maist meit, alsweill for preservatioun and saulftie of thair townis and parrochynnis, as for expelling of idill vagaboundis and sturdy beggaris." The powers are to extend to the execution "to the death" of infected persons transgressing bounds, and to the punishment at discretion of "quhatsumevir resorting to ony toun without sufficient testimoniallis of honnest personis and men of credite, clene and void of all suspitioun of infectioun, and uthiris wicked personis entering at uthiris pairtis of ony toun over the wallis or uthirwayes by the commoun portis." All necessary powers of holding courts, summoning, fining, poinding, distraining, &c., "quhilkis of law and consuetude of this realme is knawin to pertein," are to be vested in the said commissioners; and the lieges are commanded to obey them, and refrain from hindering them, at their utmost peril.

Order concerning the Lairds of Wemyss and Torry.

The King and Council understanding "that David Wemys of that Ilk, and Capitane David Wemys, his eme, on the ane parte, and James Scott of Balwery and Wardlaw of Torry, on the uthir part, upoun occasioun of the leiding of certain turvis fra the landis of Balfarg, intendis to mak convocatioun of oure Soverane Lordis liegis to the troubling of the quiet estate of the cuntrey," Andro, Earl of Rothes, Sheriff of Fyff, is charged to convey the said turfs to the place from which they were taken, putting them under arrest there until it be decided to whom they belong, and both the said parties are commanded to desist from convocation of the lieges or mutual provocation, under penalty of being pursued as troublers of the country.

Caution in £100 by Archibald Bruce of Wester Kennett for Robert Bruce

Acta 1585-87. Fol. 16, a.

of Clakmannane, that he shall answer before the Council upon 13th November next to the complaint of Margaret Murray, sometime his spouse. Stirling, 29th Aug. Caution for Bruce of Clackmannan.

Dame Jeane Ruthven, Lady Strathurde, having been charged by letters obtained by Andro Mersar of Mekilour, son and heir of the late Laurence Mersar of Mekilour, and Mr Henry Mersar, his brother, to appear before the Council this day to have heard and seen "the letters of supersedere" obtained by her decerned to be null and void, Williame Hering of Tallie, her procurator, appears before Mr Alexander Hay, Clerk of Register, and protests, "in respect that thair wes nane of the Lordis of Secreit Counsall present to have callit the saidis letters, and that thair wes na certantie quhen the Secrete Counsale wald sitt," therefore she "suld nocht be haldin to ansuer to the saidis letters, nor that nathing suld be procedit aganis hir be vertew thairof quhill sho wer neulie warnit." Stirling, 31st Aug. Protest for the Lady Strathurd.

"The quhilk day James Boyd of the Kippis, as procuratour for Johnne Craufurde of Craufurdland, Alexander Boyd, Hew, Erll of Eglintoun, Schir Mathew Campbell of Lowdoun, knycht, James Hammiltoun, youngar, of Evindaill, Umphra Colhoun of Lus, and Boll of Kilbirnie, presentit to me, Alexander Hay of Eister Kennett, Clerk of Register, ane writting direct be oure Soverane Lord to the Lordis of his Majesteis Prevey Counsall, proporting that the personis abonewrittin wer chargeit to compeir befoir the Lordis of Secreit [Counsale] to answer to ane complaint maid be Robert Grahame of Knokdoleane, anent thair cuming with convocatioun of oure Soverane Lordis liegis to the ground of the landis of Grugar and halding courtis thairupoun, desiring thairfoir the saidis Lordis of Prevey Counsall to call the saidis letters and prorogat the same to the twelft day of September nixt to cum; and, in respect that nane of the Lordis of oure said Soveranes Prevey Counsall were present to call the saidis letters, and I having opynnit and red the said writing, the said James Boyd protestit that the personis abonewritten suld nocht be haldin to answer to the saidis letters, nor that na thing suld be procedit aganis thame be vertew thairof quhill the said twelft day of September nix to cum." Protest for certain persons received by the Clerk Register in the absence of all others of the Council.

Registration by Robert Hay, bailie of Kirkcaldy, of the following band for himself, Johnne Halkheid, also bailie of the said burgh, and the other inhabitants of the burgh subscribing:—The King had licensed them, by letter signed by him and his Council at Hammiltoun, 2nd Sept., to "send furth twa schippis, accoutterit in weirfair with men and armour," for redressing an outrage by some English pirates on a Scottish ship from Kirkcaldy, called the Richard, belonging to Richard Law, their neighbour, who, "laitlie travelling be sey with his said schip, equippage, guidis and geir, in his lauchfull trade of merchandice, toward the pairtis of England," had been attacked by the said pirates at the mouth of the river of Lin, when he and his crew had been "troublit, hurt, and slane, thair schip and guidis Hamilton, 3rd Sept. Band for the bailies and council of Kirkcaldy.

reft and spuilyeit from thame, and the said skippar thairwith detenit captive." The present parties bind themselves that the persons they send forth against the said pirates, viz., George Law, captain of the ship called the "Maii Floure" of Kirkcaldy, and George Law, skipper and master thereof, with their soldiers and company, shall faithfully observe the tenor of the King's letter in all points, so that, if damage is done to any honest and lawful traffickers through "the raking out of the said schip or schippis" for invasion of the said English pirates, the present parties "sal be haldin to refound, content and pay the same, and be answerable thairfoir as accordis." The band is subscribed at Kirkcaldy on 3rd September 1585 by Robert Law, bailie, Alexander Dalzell, Thomas Thomsoun, James Litiljohnne, James Melvill, Alexander Law, James Symsoun, Johnne Lowden, Johnne Bennatt, Alexander Boiswall, Robert Brounlie, Williame Hay, Johnne Hackett, bailie, James Lamb, one of the Council, Thomas Patersoun, Johnne Andirsoun, Johnne Balcanquell, Johnne Law, Robert Maistertoun, Williame Williamesoun, George Law, David Law, David Hucheoun, Williame Staig. Acta 1585-87. Fol. 16, b.

Stirling Castle, 8th Sept. Caution for David and John Home.

Caution by James Shaw of Sauquhy for David and Johnne Home, portioners of Blacader, in £500 each, that George Home of Weddirburne, his tenants and servants, shall be harmless of them.

Stirling, 9th Sept.

Sederunt—REGE PRESENTE—Joannes, Comes de Montrois; Jacobus, Dominus Down; Joannes Maitland de Thirlstane; Patricius, Magister de Gray; Clericus Justiciarie; Computorum Rotulator; Murdocarny; Dryburgh; Clericus Registri.

David Murray against Jean Dishingtoun and Gavin Hamilton, her spouse.

Complaint by David Murray, one of the masters of the King's stable, as follows:—There had been "ane actioun and caus of double-poinding intentit and persewit be the tennentis and occupiaris of the landis and barony of Douglas, Killennewis, and Pottie, lyand within the sherefdome of Kinros, befoir the Lordis of Sessioun, contrare and aganis the said complenare, as donatour and having his Majesteis gift of the saidis landis be foirfaltour of Gawin Hammiltoun of Roploch, to quhome the same pertenit of befoir, on the ane part, and aganes Jeane Dischingtoun, spous to the said Gawin, on the uthir part, for the double troubling and chargeing of the saidis tennentis to mak payment to ather of thame of the mailles, fermis, proffittis and dewiteis of the saidis landis." This action had been at last "submittit be ather of the saidis pairteis to the Lordis of Sessioun, quha than thocht ressonable that the said complenare suld be ansuerit and obeyit of the maillis, fermis, proffittis and dewiteis of the same, of all yeiris and termis bigane sen the date of his infeftment, and siclike yeirlie and termlie in tyme cuming quhill the decreit of the saidis Lordis of Sessioun wer pronunceit thairunto." Nevertheless, the tenants and occupiers "will on nawayes ansuer, obey, and mak payment" unless they are compelled.—Charge had been given to the said Jeane, and Gawine, her spouse, for his

Acta 1585–87. interest, to appear and answer; and now, the complainer appearing personally, but Jeane and Gawin failing to appear, the judgment is that the tenants of the said lands shall be charged to pay to the complainer, under pain of rebellion, the rents and duties of the said lands of the year 1584 within ten days after being charged, and thereafter yearly and termly till the said decree be pronounced.

Fol. 17, a. Registration of the following bands, presented by Mr Robert Irwing, as procurator for the parties:—(1) Caution in 1000 merks by Williame Duguid of Auchinhuiff for Johnne Ros, portioner of Craigtoun, that Williame Forbes of Corse, his tenants and servants, shall be harmless of him. The band is subscribed at Auchinhuiff and Kincardin Oneil, September 5, 1585, before these witnesses: James Irwing, younger, Johnne Thayne, messenger, and Alexander Ros in Burnesyde,—Adam Gordoun, notary public, subscribing for Johnne Ros of Craigtoun of Lumphanane, because he cannot write. (2) Caution to the same effect by Johnne Charteris of Kinfawnis for James Irwing of Petmurthie and Johnne Irwing in Haltoun in 1000 merks each. The band is subscribed at Petsindie and Petmurthie, upon 5th and 6th September 1585, before these witnesses: Alexander Burnett of Stranduff, James Sandilandis, Williame Chalmer, and Johnne Pert, servitors to the said Johnne Charteris. Bands for the safety of William Forbes of Corse.

Stirling, 10th Sept. Persons having complaints against English subjects to "bill" the same and have them ready. As his Majesty "is schortlie to direct commissionaris to the Bordouris sufficientlie authorizit to meit with commissionaris of like qualitie to be direct fra his darrest suster and cousignace the Quene of England, to treate, confer and conclude upoun the redres and attempttatis fallin oute betuix the subjects of ather realme aganis uthiris sen the last treaty," proclamation is ordered at the market crosses of Duns, Jedburgh, Dunfries, "and uthiris placeis neidfull within the boundis of the Marcheis foiranent England," commanding all the lieges having complaints against English subjects to "bill the same and have thame in reddines to be presentit to his Hienes commissioneris at thair said meting now approcheing, to the effect that redres may be socht thairof,"—those who neglect this advertisement to blame themselves if their wrongs remain unredressed.

Fol. 17, b. Stirling Castle, 11th Sept. *Sederunt*—Joannes, Comes de Montrois; Patricius, Magister de Gray; Joannes Maitland de Thirlstane; Willelmus, Commendatarius de Pettinweyme; Dryburgh; Clericus Registri; Clericus Justiciarie; Murdocarny.

Andrew Mersar against Jean Ruthven, Lady Strathurd. Complaint of Andro Mersar of Mekilour, son and heir of the late Laurence Mersar of Mekilour, as follows:—He has an action depending before the commissary of Dunkeld against Jeane Ruthven, Lady Strathurde, "for the teindschaveis of the landis and barony of Mekilour for the cropis and yeiris of God j^{m}v^{c}lxxxii and lxxxiii yeiris," and has also sundry actions before the Council against her "for uthiris grite sowmes of silver, reversionis of landis, reductionis of infeftmentis, retenit and intromettit with be the

said Jeane," and has obtained decrees already against her "for uthiris soumes of money as yit unsatisfiit." For staying this procedure, she "hes purchest ane pretendit letter of supersedere, past undir the prevey seill, superseding all actionis and caussis civile intentit or to be intentit aganis hir for quhatsumevir deid or occasioun, and the same to ceis and rest during the space of fyve yeiris" (*ante*, p. 9). Now, this letter of supersedere "is privilie purchest of oure Soverane Lord, without cognitioun of the caus, and expres aganis the lawis and actis of Parliament maid alsweill at the erectioun of the College of Justice as be his Hienes selff in the moneth of October the yeir of God j^{m}v^{c}lxxix yeiris, quhairin it is expreslie statute and ordanit that the Lordis of Counsall and uthiris jugeis sall proceid in all civile caussis and execute thair decreitis gevin and to be gevin, notwithstanding ony privat writting, charge or command, direct or to be direct in the contrare." Moreover, the letter, if it should be suffered to take effect, "salbe ane dangerous preparative, tending to the confusioun of all ordour within this realme, for his Majestie salbe dalie fasheit with inoportune suitis to graunt the lyke."—Both parties appearing before the Privy Council, the Lords declare the said letters of supersedere to be null as regards the Privy Council, the commissary of Dunkeld, or ony other judge inferior to the Lords of Council and Session; but, as the letters are "sene and admittit" before the Lords of Session, it is ordained that they are to be "effectuall for staying of the persute of ony actioun intentit or to be intentit, or the executioun of ony decreit obtenit or to be obtenit, befoir the same Lordis of Sessioun, ay and quhill thai gif thair declaratour in the contrair; to quhais declaratioun the saidis Lordis of Secreit Counsale remittis the same." Acta 1585–87.

Forfeiture of certain cautions concerning Turnbull of Bedrule and his sons.

Refers to an act of caution in 500 merks by Williame Douglas of Cavers, sheriff of Teviotdaill, and Edward Lorane of Harwode, for Johnne Douglas of Quhyterig; to one in £2000 by James Gledstanes of Coklaw for Williame Douglas of Cavers; to one in £2000 by Gawine Ellott of Swensteid for Robert Ellott of Reidheuch; and to one in 500 merks by Williame Douglas of Cavers for George Turnbull of the Toftis;—all binding the finders of the said sureties not to reset or intercommune with Sir Thomas Turnbull of Bedroull, Walter and Thomas, his sons, and their accomplices, but to assist the King's warden in pursuit of them and other rebels, to keep the King and his warden skaithless at the hands of the said rebels for "all attemptatis" committed or to be committed by them, and to appear before the Council when required on 15 days' warning. Fol. 18, a. It is now represented by Williame Ker, apparent of Wodheid, and Mr David M^{c}kgill of Nesbitt, the King's advocate, that the said acts of caution have been violated by the said principals, in respect that at divers times they had assisted the said rebels, and therefore that their sureties should be decerned to have incurred the penalties abovewritten.—Williame Ker appearing for himself and in name of the King's advocate, but the said principals and their sureties failing to appear, the Lords declare the penalties to have been incurred, and ordain letters of horning

Acta 1585–87. and poinding to issue for uplifting and inbringing the same, one-half to go to the King and the other to the said William, "as partie grevit."

Muster ordered for service on the Borders.

The King and Council taking notice of the state of the Borders, "dalie hurte, herreit and opprest be the thevis, rebellis, and uthiris brokin men and disobedient personis" of those parts, and of the danger of a "brek of the gude peax" between Scotland and England, and finding a force

Fol. 18, b. necessary in consequence, it is ordained that all the fencibles within the sheriffdoms of Edinburgh, Hadingtoun, Berwik, Roxburgh, Selkirk, Peblis, Lanark, Drumfreis, Air, Renfrew, Dunbartane, Striveling, Linlythgow, stewartries of Kirkcudbrycht and Annanderdaill, and bailiaries of Kyle, Carrik, and Cunynghame, be summoned by open proclamation at the market crosses of the head burghs of the same, "with thretty dayis wictuallis and provisioun, and with carreage and palyeonis to ly on the feildis," to meet the Lieutenant on 24 hours' warning, as shall be advertised by another proclamation, "undir the pane of tinsall of lyff, landis, and guidis."[1]

Kincaid of Warriston against the Earl of Arran.

Complaint by Johnne Kincaid of Warestoun against James, Earl of Arrane, as follows:—The Earl, having obtained general letters commanding all the feuars and tenants of his lands to make payment to him, under pain of rebellion, of the rents and duties of the same for the year 1585 and yearly thereafter, has charged the complainer among others, and intends to put him to the horn for non-obedience. Now, "it is of veritie that the said complenare hes nather landis, houssis, biggingis, wodis,

[1] This order for a muster on the Borders marks another step in the progress of the scheme of the Master of Gray and the English Ambassador Wotton for effecting a revolution in Scotland by bringing back the Banished Scottish Lords from England. What had happened in furtherance of that scheme since the 18th of August (*ante*, p. 4, footnote), will be gathered best from the following phrases from the abstracts of letters between Scotland and England given in the English Calendar of Scottish State Papers (i. 506–508):—*Aug.* 25, *Wotton from Dumbarton to Walsingham:* "The Master of Gray's opinion that they [Elizabeth's ministers in London] are running a wrong course in seeking to disgrace Arran with the King. He advises that her Majesty stay the League and let slip the Lords, who will be able to take Arran and seize on the person of the King." *Sept.* 1, *same from Hamilton to the same:* "The Lords to agree secretly with Morton for the better effectuating of the matter proposed by the Master of Gray. Morton to make an incursion and on what pretext." *Sept.* 4, *English Privy Council to Wotton:* "Excuse to be made to the well-affected in Scotland for the coldness shown to them. No way to remove the jealousies between them except the return of the Banished Lords." *Sept.* 6, *Wotton from Stirling to Walsingham:* "News sent to Arran of the intended return of the Banished Lords. The King's trouble." *Sept.* 11, *same to same:* "Certainty of the Master of Gray's ruin if Arran recover the King's presence."—The situation of affairs, therefore, on the 11th of September was this:—The King had cooled towards the League with England; and, though Arran was still nominally in ward at Kinneil, there was every prospect that he and the King would soon be together again. What alarmed both and drew them together was the rumour of the approaching return of the Banished Lords for a junction with Morton on the Border. Hence the present order. It was issued, it is to be remembered, in Council,—the Master of Gray himself present, with Maitland, Bellenden, and others who actually desired the upshot which the order was intended to prevent. Should Arran break from his ward and join the King, they were all in danger, but especially Gray. The English Ambassador himself was very uneasy. What seemed to him and Gray to mar and imperil all was the dilatoriness of Elizabeth. The Banished Lords were still in London; and she delayed to "let them slip," trusting still to other measures with James.

mylnis, nor fisheingis, haldin of the said Erll, bot onlie ane pairt of the landis of Abbotiscaris, quhilkis pertenit to him in feuferme and heritage haldin of the commendatar and convent of the Abbay of Haliruidhous, to quhom the said complenare as tennent hes evir bene in use to mak pament of his few mailis." Further, said charge being general, and not specific, the complainer "wattis nocht quhat to offer nor consigne for obedience thairof." He craves, therefore, that the said letters and process against him be suspended; but, nevertheless, to prove his obedience, he has found caution before the Council "to mak payment to the said Erll of ony maill, ferme or yeirlie deuitie fund that he is addettit justlie to him" (*ante*, p. 6).—Parties having been called, and the said Johnne appearing personally, but the Earl of Arrane not appearing, the Lords do suspend the foresaid letters "ay and quhill the same letters be produceit." Acta 1585-87.

Stirling, 16th Sept.

Sederunt—Joannes, Comes de Montrois; Joannes Maitland de Thirlstane; Patricius, Magister de Gray; Clericus Justiciarie; Clericus Registri; Dryburgh; Murdocarny; Computorum Rotulator.

Duncan Leishman and Anthony Bruce against George Bruce.

Complaint by Duncane Leishman and Anthone Bruce against George Bruce, sheriff-clerk of Striveling, as follows:—The said George Bruce, having received a gift of the lands of Hiltoun and Myddilthrid, with the mill of the same, lying in Strivilingshire, has, by virtue of letters privily obtained under the King's subscription only, charged the complainers to restore and deliver to him the rents and duties intromitted with and uplifted by them from the tenants of the said lands since the date of his alleged rights. He has also charged them and all other occupiers of the lands to pay to him the maills and duties of the same for the year 1584 and thereafter yearly, under pain of rebellion; and, for alleged disobedience, he intends to cause them to be denounced and put to the horn. Now, "the saidis letters ar privilie and extraordinarlie purchest, onlie undir his Majesteis subscriptioun, nocht red nor past in Counsall, expres contrare the tennour of the act of Counsale maid at Dunfermling in the moneth of Julii last, proporting that na sik extraordinar letters salbe grantit, except cognitioun wer first tane of the caus, and the same to be subscrivit be the Secretar, Thesaurar, and uthiris officiaris of the Estate; and it is of veritie that the saidis letters wer nevir subscryvit be his Majesteis Secretar, nor yit past the signet, nather wes thair ony cognitioun tane in the caus." The complainers, having already "meanit thameselffis" of this to the King and Council, "obtenit the saidis letters and all that followit thairupoun declairit null,—quhilk declaratioun be chance is lost and tynt." But, even if the said letters had been signed, "as thai wer nocht indeid," still they are wrongfully executed against the complainers, "thay nevir being callit to the geving thairof, nor thair rychtis and titlis hard, sene and considerit"; and further, the matter, being civil, "aucht to have been persewit befoir the juge competent." On all these grounds the complainers demand redress.—George Bruce, appearing personally, "confessit that he causit Fol. 19, a.

Acta 1585-87. execute and denunce the said Anthone to the horne be vertew of the saidis letters purchest be him unsignetit; quhairupoun the said Anthone, being alswa personalie present, askit instrumentis." The Lords accordingly find the said letters to have been "inordourlie procedit, direct and execute," and declare them to have been null from the beginning.

Mr John Howieson, minister, to remain and serve the cure at Perth.

"The Kingis Majestie and Lordis of Secreit Counsall, undirstanding how that the burgh of Sanct Johnnstoun is destitute presentlie of ane minister, and that during the continewance of the plague in the same Mr Johnne Howesoun, minister, remanit all the tyme thair, to the grite conforte of the personis that wer diseasit with the said plague, hes thairfoir appointit and ordanit the said Maister Johnne to remane still at the burgh foirsaid, for serving the cure of ministerie thairat, and to brouke and posses his benefice of the personage of Cambuslang ay and quhill the Commissionaris of the Kirk tak sic ordour as the said burgh may be uthirwayes providit of ane pastour, the said Maister Johnne in the meantyme sustenand ane minister at the kirk of Cambuslang upoun the reddiest of the fruitis and rentis of the personage thairof; dischargeing be thir presentis the Commissionaris of the Kirk off all proceding aganis the said Mr Johnne for his not residence at his awne kirk conforme to the Act of Parliament: and ordanis the said Mr Johnne to be answerit of the soume of ane hundreth pundis restand awand unpayit in the Laird of Crageis handis for the service at the said kirk in the yeir of God j^{m}v^{c}lxxxiiii yeiris; and ordanis letters to be direct to this effect, gif neid beis, in forme as efferis."

Fol. 19, b.

Stirling Castle, 18th Sept. Captain David Murray and his wife, and the Thirds of the Abbacy of Deer.

Resolved and ordered "that na pairt of the thrid of the abbacie of Deir, attour that quhilk is assignit to the ministerie, sall onywayes be disponit to ony persoun or personis quhairby Capitane David Murray and Jonnett Wemys, his spous, may be prejugeit or hinderit of pament of the soume of twa hundreth pundis, disponit to thame in yeirlie pensioun, and be the Collectour-Generall of the superplus of beneficeis is to be payit furth of the reddiest of the thrid of the said abbacie."

Caution for Peter Cochrane of Pitfour.

Caution by Patrik Grahame of Inchebraky for Petir Cochrane of Pet-four, that he shall appear before the Justice on the third day of the justice air of the shire where he dwells, or sooner on 15 days' warning, to underlie the laws for crimes laid to his charge.

Stirling, 20th Sept. Caution for John Davidson of Greenan and others.

Caution by David Reid, servitor to Mr Johnne Russell, advocate, for Johnne Davidsoun of Grenane, Patrik Craufurd there, Johnne Smyth there, Johnne Reid there, Williame and Gawine Craufurde there, and the remaining tenants of the ten pound land of Grenane, that they shall pay to Hew Cunynghame of Laglane the unpaid residue of the rents and duties of the said lands "off all yeiris and termis bigane."

Caution for Chisholm of Comer.

Caution in £1000 by Johnne Gordoun of Petlurg for Alexander Cheis-holme of Comer, that Symon, Lord Frasar of Lovat, his tenants and servants, shall be harmless and skaithless of the said Alexander in their bodies, lands, woods, fishings, steadings and goods.

Stirling Castle, 22nd Sept. Caution for Lindsay of Kinfauns, and Stewart of Seton.

Caution in £2000 by James Scott of Balwery and Williame Scott of Abbottishall for Hary Lindsay, fiar of Kinfawnis, and Williame Stewart of Seytoun, that Dame Annabell Murray, Countess of Mar, her tenants and servants, shall be skaithless of them; also that the rents and duties of the lordship of Brechin, to which she claims right, intromitted with by the said Hary and Williame, "salbe furthcumand to hir, alsweill for tymes bigane sen thair intromissioun as in tyme cuming, as law will." Acta 1585-87.

Caution for Douglas of Rumgally.

Caution in 10,000 merks by James Scott of Balwery and Williame Scott of Abbottishall for George Douglas of Rumgally, that he will not harm Wemys, younger, of that Ilk, or his tenants and servants.

Caution for Laird of Wemyss.

Counterpart caution in 10,000 merks by Johnne Wemys of Pettincreiff and Ramsay of Brakmouth, for Wemys, younger of that Ilk, that he will not hurt Douglas of Rumgally, or his tenants and servants.

Stirling, 24th Sept.

Sederunt—Joannes, Comes de Montrois; Joannes Maitland de Thirlstane; Patricius, Magister de Gray; Willelmus, Commendatarius de Pettinweim; Willelmus, Commendatarius de Dryburgh; Clericus Justiciarie; Clericus Registri; Murdocairny. Fol. 20, a.

Countess of Mar against William Hamilton.

Complaint of Dame Annabell Murray, Countess of Mar, that, though "scho hes all and haill the landis of Welstoun, with the tour, fortalice, houssis, biggingis, and yairdis thairof, pertening to hir in lyferent, conforme to hir infeftmentis thairof, and be vertew thairof hes bein in peceable possessioun thairof sen deceis of hir husband," yet Williame Hammiltoun, sometime of Sorne, "hes wranguslie and maisterfullie, without all ordour of law and justice, intrusit himself in the place and fortalice foirsaid."—He and the other withholders of the castle and houses had been charged to deliver the same to the Countess or to shew cause to the contrary; and, parties having been called, and the Countess appearing personally, there appears also Sir William Stewart of Monktoun on behalf of James, Earl of Arrane, alleging that the Earl has a special interest in the matter, and desiring therefore that it may be continued till the Earl is able to be present himself, but meanwhile not specifying what the Earl's interest is. The chief defendant, Williame Hammiltoun, not appearing, the Lords ordain him and the other keepers of the said castle and houses to deliver them to the Countess within 24 hours after being charged, under pain of rebellion, "without prejudice alwayes to the said James, Erll of Arrane, to persew the said Dame Annabell Murray for his interess, gif he ony hes, befoir the jugeis competent."

Burghs of Ayr, Irvine, and Renfrew, against the Burgh of Dumbarton: Rights of herring and white fishing in the Clyde lochs.

Supplication "be Adam Stewart, provest of Air, James Craufurde, bailie thairof, , provest of Irwyng, Williame Scott, baillie thair, , provest of Rutherglen, , baillie thair, for thameselffis, and in name of the haill remanent burgessis and inhabitantis of the burrowis of Air, Irwing, and Renfrew," as follows:—Williame, Commendator of Dryburgh, captain of the castle of Dunbartane, and the bailies of Dunbartane, have obtained "ane pretendit commissioun" from

Acta 1585–87. the King and Council, "makand thame allegeit justices in that part to putt certane Actis of Parliament to dew executioun maid anent paking and peilling of hering and quhyte fishe to be tane and slane within Loch Lung, Lochgoile, and certane uthiris lochis, caulis, brais, shoris and granis thairof, and to bring the same to Dunbartane to be thair." They have "direct ane precept in thair names and thairwith hes causit discharge all mercatis to be haldin, salting, paking, and peilling of hering or quhite fishe, oute of the said burgh of Dunbartane, namelie that ar slane in the lochis of Loch Lung, Lochgoill, Lowis, and divers uthiris placeis appointit in the said pretendit commissioun," and have likewise "commandit all personis, slayeris of hering, to cum with thair slauchtaris to the said burgh, undir the pane of escheiting of the same." Now, "it is of veritie that the said pretendit commissioun is purchest be sinister and inoportune sute maid to his Majestie and the saidis Lordis, expres aganis all ordour and justice, without calling of pairtie or cognitioun
Fol. 20, b. tane in the mater, onlie for ane particular commoditie to the Capitane and Constable of Dunbartane, and for the avancement of the burgh of Dunbartane, and for the grite hurte and skaith of the saidis provestis and baillies, and three burrowis and burgessis thairof abonewrittin, and also the haill remanent burrois of this realme, and also in grite prejudice of his Majesteis awne customes and propirtie." The Acts of Parliament whereupon the said commission had been obtained had contemplated no prejudice to any free burgh or free burgesses; and they, being free burghs, "haveing thair previlegeis grantit to thame of auld," ought not to be prejudiced by any such commission as had been given without having been called and heard. "Attour, in cais thay or ony uthir cum with thair shippis, bottis or crearis to the saidis lochis, caulis, granis or brais, specifiit in the said pretendit commissioun, and slay hering and fisheis, wind and weddir serving thame to pak and peill the same on the landis narrest to the place of slauchtir, it wer ane grite inconvenient to thame to bring the samyn to ane free burgh to pak the samyn; becaus, betuix the tyme of the slauchter and careing of thame to the said free burgh the saidis hering and fishes wald all spill and tyne, quhairthrow grite inconvenientis mycht follow. And, forder, it is ane thing unpossible to be observit, to cary ane multitude of hering and fishes new slane unhandlit and saltit to ony porte or heavin, except the hazard baith of schip and gudes. Mairattour, gevand and nocht grantand that the saidis hering and fishe, eftir the slauchter thairof, mycht be cariit to the said burgh of Dunbartane, yit thairby the haill remanent free burrowis within this realme is nocht onlie prejugeit thairby, bot his Majesteis self is also prejugeit, seing the customes of Dunbartane is appointit to the capitane and keparis of Dunbartane, quhairof thair is na compt nor commoditie maid or cumis to his Hienes, and, in cais the saidis hering and fishe be customit at ony uthir burgh, porte or heavyn, the customes thairof will redound to his Majestie and be maid compt of in chekker. And, forther, the graunting of this pretendit commissioun is ane novaltie, and

quhairthrow grite inconvenientis may follow, quhilk takis away the previlegeis not onlie of the auncient burrowis quha and thair predicessouris hes bene in use, thir hundreth yeiris bigane, to mak, pak, and peill thair hering and fishes at Garloch, Loch Lung, Loch Fyne, Innerkeip, and uthiris placeis quhair thay pleis, as free burgessis, and wer nevir subject to na particular placeis of befoir, and be this pretendit commissioun ar subject to particular placeis, quhilk can nocht stand with equitie and justice." It is prayed therefore that the said commission and precept directed thereon be suspended simpliciter; the petitioners nevertheless offering to find caution for their obedience "in cais it be fundin that thai ar justlie detbund thairto."—The Captain of the Castle of Dumbarton, and Robert Semple, commissioner of the burgh, having been charged to appear, bringing with them the said commission and precept for consideration, and both these appearing personally, and Robert Jamesoun, burgess of Air, and Williame Scott, burgess of Irwing, appearing as procurators for the said Adam Stewart, James Craufurde, and Williame Scott, the King and Council find the said commission "to be past according to the lawis and Actis of Parliament, and thairfoir to stand quhill the same be ordourlie dischargeit and annullit be Parliament or uthirwayes as accordis." Acta 1585-87.

Caution for David Bannatyne.

Caution in 1000 merks by Adam Stewart, provost of Air, for David Bannatyne, burgess of Air, that Johnne Jamesoun, burgess of Air, and Robert and George, his sons, shall be skaithless of the said David.

Caution for Hew Kennedy and David Stewart.

Caution to the same effect by the same surety for Hew Kennedy and David Stewart, mariner, inhabitants of Air, in 500 merks each.

Caution for Bruce of Clackmannan.

Caution in £1000 by James Blacader of Tullyallane and James Murray, fiar of Strowane, for Robert Bruce of Clakmannane, that Margaret Murray, sometime his spouse, and her tenants and servants, shall be harmless of him. Fol. 21, a.

Stirling, 25th Sept. Caution for John Alexander.

Caution in 500 merks by Johnne Broun, portioner of the Ferrytoun, for Johnne Alschonder, portioner of Petgobar, that Johnne Cunynghame in Dolour, and his tenants and servants, shall be harmless of him,—Gavin Alexander, notary public, subscribing for Johnne Alexander, "becaus I can nocht write."

Stirling, 28th Sept.

Sederunt—REGE PRESENTE—Joannes, Comes de Montrois; David, Comes de Craufurde; Jacobus, Dominus Down; Robertus, Dominus Seytoun; Joannes Maitland de Thirlstane, Secretarius; Clericus Justiciarie; Clericus Registri; Murdocarny; Dryburgh; Pittinweyme; Computorum Rotulator; Blantyre.

The Master of Gray against James Ogilvy of Clova and others.

"Anent oure Soverane Lordis letters raisit at the instance of Patrik, Maister of Gray, makand mentioun that quhair James Ogilvy of Clova, Alexander Ogilvy, his brother germane, Walter Ogilvy, his fader brother, Thomas Ogilvy, sone to Johnne Ogilvy in Queith, Johnne M^{c}kallane in West Quarter of Alycht, Edward Broun thair, Alexander Ramsay thair,

Acta 1585-87. Walter and Johnne Sanderis thair, Johnne Sanderis, messinger thair, Walter Sanderis, skynnar thair, George Sanderis, his brother, Johnne Sanderis, symth, James Sanderis, redar thair, Thomas Hucheoun thair, Patrik Vicar thair, Andro Smyth thair, Williame Turnbull thair, George Fentoun thair, Thomas Hendirsoun thair, Patrik Saltar thair, David Saltar, his sone, thair, Johnne Cow in Burnesyde, Williame Spalding in Mylhauch, Robert Archear in Bugaris Wallis, James Jak in Kirklabank, Alexander Buttir in Alycht, Alexander Cousland thair, Thomas Soutar thair, Alexander Tailyeour, youngar, thair, George Air in Westquarter, Rannald Rob thair, with divers uthiris thair complices, to the noumer of ane hundreth personis or thairby, all bodin in feir of weir, with jakkis, swerdis, steilbonnettis, daggis, and pistollettis, prohibite to be worne be Actis of Parliament and Secreit Counsall, and uthiris waponis invasive, upoun the saxt day of September instant come with kairtis and sleddis to the toun and landis of Letfee, pertening to the said Maister in heritage, and maisterfullie, violentlie and perforce reft, spuilyeit, and tuke away, sax scoir thraves aittis, estimat to tua chalderis aittis, and fifty thraveis beir, estimat to ane chalder beir or thairby, without ony rycht had be thame thairto, the said Maister and his predicessouris haveing undoutit rycht to the same, and be vertew of thair infeftmentis maid thairupoun being possessouris thairof in tyme bigane past memor of man; lyke as thair tennentis in thair names, this present yeir and yeirlie in tyme bigane sen the daitis of thair infeftmentis, hes labourit and manurit thair saidis landis to thair use as thair awne propir landis and heritage, without stop, trouble, or impediment. And, houbeit the said Maister mycht nocht onlie have withstandit bot repairit this kynd of doing be the like force and convocatioun, yit, for the reverence he beiris to his Majestie, he hes forborne to attempt ony thing quhilk onywayis may be offensive to his Hienes; perswading himself, sen this fact is done now in the tyme that the said Maister is occupiit in his Hienes service, quhenas be ressoun thairof he luikit not for ony sik deid, his Majestie, in consideratioun thairof, will not pas over the same with silence, bot will tak sik ordour as punishment may be appointit for the offence, and he satisfiit as apertanis, like as at mair lenth is contenit in the saidis letters. Quhilkis being callit, and the said Patrik, Maister of Gray, comperand personalie, and the said Alexander Ogilvy, brother germane to the said James Ogilvy of Clova, comperand alswa personalie, quha allegeit that the saidis cornis, nocht grantand the quantitie abone specifiit, wer sawin be him upoun his awne propir landis of Tempillandis, quhairof, and specialie of this same parte quhair the same cornis grew, he hes bene in possessioun, be himself and his predicessouris, as ane propir part and pertinentis of the saidis Tempillandis, be the space of xl yeiris or thairby, but stop, trouble or impediment: for quhilk caus, and cheiflie for mantenance of his possessioun, he grantit that he intromettit with the saidis cornis and causit transporte thame to his awne bernyaird eftir thai wer schorne and led be the said Patrik, Maister of Grayis tennentis in his name. To the quhilk it wes ansuerit be the said Maister that the landis

quhairupoun the saidis cornis grew ar and in all tymes bipast hes bene repute, estemit, labourit, usit, and possest be him and his predicessouris, and thair tennentis in thair names, as ane propir part and pertinentis of the saidis landis of Letfee, and nawayes . pertenis to the said Alexander, nather wes he or ony his predicessouris at ony tyme . . lauchfullie in possessioun thairof. The Kingis Majestie, with avise of the Lordis of his Secreit Counsall, in respect of the convocatioun and violence usit in taking away of the saidis cornis, eftir thai wer schorne and led be the said Maisteris tennentis as said is, ordanes letters to be direct chargeing the said Alexander to restoir and caus the same cornis be restorit agane to the saidis ground and landis quhairof thay wer takin, within xlviii houris nixt eftir he be chargeit thairto, thair to remane ay and quhill it be decydit be ordour of law befoir the juge competent to quhome the same justlie appertenis, under the pane of rebellioun and putting of thame to the horne, and, gif thai failyie, the said space being bipast, to denunce, etc., and to eschete, etc." Acta 1585–87. Fol. 21, b.

To denounce the Commendator of Newabbey.

Mr Gilbert Broun, Commendator of Newabbay, to be denounced for non-appearance as charged to answer inquiries to be put to him.

Stirling Castle, 29th Sept. Entry of Rory M^{c}Leod of the Lewis.

Caution in 5000 merks by Johnne Gordoun of Petlurg to enter Rory M^{c}cloyd of the Lewis, "presentlie delyverit to the said Johnne to be transportit to George, Erll of Huntley," before the Privy Council or the Justice upon 15 days' warning.

Stirling, 30th Sept.

The following bands presented for registration by the sureties mentioned in them :—

Band for George Lockhart, burgess of Ayr.

Caution in £1000 by Johnne Chalmer of Troquhane for George Lokhart, burgess of Air, that Johnne Jamesoun, burgess of Air, George and Robert, his sons, their tenants and servants, shall be skaithless of the said George. Subscribed at Air, 1st September 1585, before these witnesses: Johnne Stewart of Halrig, Williame Wallace of Boighous, Johnne Chalmeris of Inchegottrig, Johnne Steuart in Fultoun, Johnne Gardner, notary, Johnne M^{c}nedar, notary.

Band for James Bannatyne and others.

Caution to the same effect by Adam Steuart, provost and burgess of Air, for James Bannatyne, David Burnis, Andro Kennedy, Johnne Cunynghame, Petir Cunynghame, burgesses of Air, James Stewart, burgess of Glasgow, and James Fairly, burgess, in £1000 each. Subscribed at Air in September 1585 before these witnesses : Johnne Lokhart, George Lokhart, burgesses of Air, Williame Wallace of Brighous; Johnne Gairdner, notary, and Johnne M^{c}nedar, notary, subscribing for Johnne Cunynghame and James Phairly, "becaus we can not writ ourselff;" Duncane in Myltoun. Fol. 22, a

Band for John Stewart of Foulton.

Caution to the same effect in £1000 by Johnne Stewart of Halrig for Johnne Steuart of Foultoun. Subscribed at Air, 5th September 1585, before the following witnesses: Williame Wallace of Brighous, James Bannatyne, burgess of Air, Adam Steuart, provost of the said burgh,

Acta 1585-87. and James Stewart, his brother, with Johnne Foullar and Johnne Gardiner, notaries.

Band for John Stewart of Halrig.

Caution to the same effect in £1000 by Johnne Stewart in Fultoun for
Fol. 22, b. Johnne Stewart of Halrig. Subscribed at Air, 5th September 1585, before the same witnesses as in the last band.

Band for John Lockhart and his sons.

Caution to the same effect in £1000 by Thomas Stewart of Gastoun for Johnne Lokhart, burgess of Air, and Alexander and James Lokhart, his sons. Subscribed at Striveling, 12th September 1585, before these witnesses: James Stewart, burgess in Glasgow, Johnne Baird, James Wallace, James Steuart.

Band for John Chalmers.

Caution to the same effect in £1000 by George Lokhart, burgess of Air, for Johnne Chalmer of Troquhane. Subscribed at Air, 5th September
Fol. 23, a. 1585, before Johnne Stewart of Halrig, Williame Wallace of Brighous, Johnne Chalmeris of Inchegottrik, Johnne Stewart in Fultoun, and Johnne Gardner and Johnne M°knedar, notaries.

Stirling, 1st October.

Sederunt—Joannes, Comes de Montrois; Patricius, Magister de Gray; Jacobus, Dominus Downe; Joannes Maitland de Thirlstane; Willelmus, Commendatarius de Pettinweyme; Clericus Justiciarie; Computorum Rotulator; Clericus Registri; Dryburgh; Murdocarny.

James Ruthven, Chanter of Dunkeld, against Robert and John Crichton.

Complaint of James Ruthven, chanter of Dunkeld, that, although "be vertew of his rychtis and titlis maid to him of all and sindrie the teyndshaveis of the landis and baroneyis of Innernytie and Kinclevin, he hes bene in possessioun of collecting, leiding, intrometing and disponing thairupoun," yet, on the 15th of September last, "Robert Creichtoun of Innernytie, and Johnne Creichtoun, his sone and appeirand air, come, with convocatioun of oure liegis to the nowmer of lx personis, all bodin in feir of weir," and not only forcibly stopped and debarred the complainer from collecting and leading the said teindsheaves, "bot wrangouslie led, intromettit with, and awaytuke the same to his barneyaird of Kinclevin."—Creichtoun and his son having been charged to restore the teindsheaves within 24 hours after being charged, or else to show cause to the contrary, and the complainer now appearing by Patrik, Master of Gray, his procurator, but the defenders failing to appear, the Lords once more order them to restore the said teindsheaves, under pain of rebellion.

Stirling Castle, 2nd Oct. Muster to meet his Majesty at Crawford Castle.

The King and Council still considering the "unnaturall defectioun and rebellioun" on the Borders, and his Majesty now intending "in propir persoun to tak the feildis accumpanyit with a force of his Hienes gude subjectis," it is ordered that the fencibles of the districts mentioned in the
Fol. 23, b. former order of September 11 (*ante*, p. 13), but with the addition now of the shire of Perth and the stewartries of Menteith and Stratherne, be summoned, by proclamation at the market crosses of the head burghs of the same, to meet the King, with 30 days' provision, at the Castle of Crau-

furde, upon 22nd of October instant, for service against the rebels, "undir the pane of tinsall of lyff, landis, and guidis."[1] Acta 1585-87.

Caution for James Dunbar of Cumnock.

Caution in £1000 by Johnne Gordoun of Petlurg for James Dunbar of Cumnok, Sheriff of Murray, that, on being released from Blaknes, he shall re-enter therein upon the 1st of January next.

Caution for Alexander Ogilvy and his kin.

Caution by Robert Grahame of Auchincloch for Alexander Ogilvy, portioner of Eister Drumis, Alexander, George, James, Johnne, Thomas, Robert, and Walter Ogilvy, his sons, Thomas Ogilvy, his brother, Johnne Ogilvy, his son, and Alexander Ogilvy in Mekle Mylne of Brechine, in £200 each, that James Wilkie in Wester Drummis, his tenants and servants, shall be harmless of them,—Johnne Andro subscribing for Alexander Ogilvy, portioner of Drummis, "becaus I can not write."

Stirling, 3rd Oct. Eustachius Roghe against the Treasurer.[2]

Complaint by Eustachius Roghe, as follows :—A tack of the gold, silver, copper, tin and lead mines of the realm having been granted to him by the King, with provision that the same should not be prejudicial to James, Earl of Arrane (*ante*, vol. iii. p. 602), he, assisted by certain Englishmen, his partners, has "diligentlie travellit in wirking at the saidis mynis, sa far as possible he mycht, to mak proffitt to his Majestie, according to the conditionis of the said tak, bot as yit hes maid litle or na proffitt of his travell thairin, pairtlie be ressoun of the trouble of this contagious seiknes, bot especialie in the default of his saidis partinaris, and Johnne Salloce thair factour, quha hes not nor will not fulfill the claussis aggreit be the said contract." The complainer had obtained charge to the Provost and Bailies of Edinburgh to put Sollace in ward till due cognition of the matter had been taken; "quha, be his Majesteis awne speciall command, gevin to Henry Nesbitt, baillie, is lattin to libertie without ony tryall takin thairin." Nevertheless, his Majesty's Treasurer "hes causit arreist all and sindrie the leid ure quhilk the said complenar hes presentlie in Fol. 28, b.

[1] This second order for a muster on the Borders, ostensibly against the Morton or Maxwell rebels, marks a stage in the progress of events since the former order of Sept. 11, (*ante*, p. 13, footnote). The following are phrases in abstract of Wotton's correspondence in the interval, as given in the English Calendar of Scottish State Papers :—*Sept.* 15, *Wotton from Stirling to Walsingham:* "Gray holds good. Great desire for the incoming of the Lords." *Sept.* 18, *same to same:* "Danger of delaying the Master of Gray's plot. The French faction in a marvellous jollity. Uselessness of trusting to the League unless the Lords be restored." *Sept.* 22. *same to same:* "Inexpedience of delay. Arran breaks his ward ; suspicions of him. Nothing to be done without force." *Same day, same to same:* "Arran gathering his forces to take possession of the King. His own [*i.e.*, Wotton's] danger. The exiled Lords, if the Queen will send them down, will be able to work wonders. The Master of Gray is still very sound, and is in great danger." *Sept.* 30, *same to same:* "The King's preparations to go against Maxwell ; his intention to receive Arran immediately."—At the date of the present order, therefore, Arran, though still making Kinneil his headquarters, was virtually at large again, gathering forces, and tending to the King at Stirling, and all Scotland was divided, openly or secretly, between the Arran or French party and the English party or party of the Banished Lords. Still Elizabeth hesitated to throw down the gauntlet by sending the Banished Lords north. A meeting had been arranged at Berwick of her commissioners and commissioners from James to treat of redress for the slaughter of Lord Russell, and she waited for the issue of that.

[2] This entry is out of its proper place in the Register, being inserted about a month after date ; but there is a direction at this point where to bring it in.

Acta 1585-87. Leith, and wes win in the mynis of Glengunar Wattir and Winlok, quhilk pertenis to my Lord Arrane, and is reservit to him in the said contract; for the quhilk he is oblist to pay him yeirlie deuitie." If it should be alleged by the Treasurer that the complainer "is addettit to his Majestie in certane leid and coppir," and that the arrest has been made for that debt, his reply is "that as yit he hes nather meltit nor fynnit leid nor copper of the saidis mynis in this cuntrey nor outwith the same, for the haill that is won is yit remaning on the ground, and he hes done his diligence for wynning of mair, and thairfoir he is not oblist to pay it quhill it be fynnit."—Sir Robert Melvill of Murdocairny, Treasurer-depute, having been warned to answer, and appearing personally, and the said Eustachius being also personally present, the Lords, after hearing parties, ordain letters to issue to officers "chargeing thame to pas and louse the said arrestment maid upoun the said leid ure ellis win, to the effect the same may be schippit and transportit furth of this realme, conforme to the said contract, providing that, befoir the said Eustachius transporte ony mair ure nor is ellis win, that he find souirtie for pament of the deuitie dew to oure Soverane Lord be the same contract."

Kinneil and Stirling, 3rd Oct. Band for the Earl of Arran and others.

Registration by James, Earl of Arrane, for himself, and by Mr Henry Balfour, as procurator for the others, of a band of caution by James, Earl of Arrane, Chancellor, James, Lord of Down, Collector-general, Williame, Commendator of Pettinweyme, Williame, Commendator of Dryburgh, Walter, Commendator of Blantyre, and Sir Williame Steuart of Monktoun, for payment to Cristell Seytoun, burgess of Edinburgh, and Marione Gray, his spouse, of the sum of 600 merks, due to the said Cristell and his spouse by David Stewart, apparent of Visance in France, for which he is at present in ward within the Tolbooth of Edinburgh,—300 merks by 20th November next, and the other 300 merks by 20th February next. Further, the Lord of Doun, Sir Robert Melvill of Murdocarny, and Andro Wode of Largo, Comptroller, become bound that the foresaid cautioners shall be
Fol. 24, a. skaithless of all action competent to the said Cristell and his spouse in the premisses. The band is subscribed by the parties, at Striviling, Kinneill, and Hammiltoun, upon 14th, 20th, and 31st August 1585, before Captain Patrik Cranstoun, Walter Lekky of that Ilk, Hary Stewart, fiar of Cragyhall, Walter Steuart, his brother, James Kneland, Allane Steuart, Johnne Gray, servitor to Sir Robert Gray,—the Lord of Down subscribing "as ane of the cautionaris only, and not as collectour nor for releif of the rest of the cautionaris."

Stirling, 5th Oct.

Sederunt—Patricius, Magister de Gray; Joannes Maitland de Thirlstane; Jacobus, Dominus Down; Dryburgh; Clericus Registri; Clericus Justiciarie; Pettinweyme.

Fawsyde, younger, of that Ilk,

Complaint of Master Robert Fawsyde, younger, of that Ilk, as follows:— He has tack and assedation of "all and haill the teindshaves of his awne

against John and Thomas Borthwick.

landis of Stobbis, with the pertinentis pertening to him in few and heritage, lyand within the sherefdome of Edinburgh, and, conforme thairto, hes bene in possessioun of the saidis teynds, and specialie this yeir be ressaving and teinding of the teind beir fra his tennentis and occupiaris." But, on the 25th day of September last, "Johnne Borthuik of Glengelt and Thomas Borthuik, sone to Johnne Borthuik of Haucheid, accumpanyit with diverse uthiris thair complices, to the noumer of threscoir personis, all bodin in feir of weir, with jakkis, speiris, culveringis, pistolettis," &c., had come to his dwelling-house of Snype, and there "continewit ane lang space, in segeing of him within the same be schuiting of pistollettis, casting of stanes, quhairby thay cruellie hurte, be casting of the saids stanes, ane servand of Maister Samuell Cokburne of Tempilhall, callit James Liddall, upoun the heid, he being with the said perseuar for the present, as alswa, be thair frequent casting of stanes ouer the barnkin dyke of the said place, thay hurte and struik to the ground Marioun Maitland, his spous, and hes putt hir in parrall to have pairtit with barne"; after which, "having violentlie and perforce dung up the bak dur of the said complenaris barne, thay tuke oute the teind, and, not being content thairwith, apprehendit his awne oxin, yokkit thame in his awne wayne, quhairwith thay causit leid the said teind, and thaireftir cariit the same away to the said James landis of Neubyris; bot, leveing the saidis oxin be the way, yit detenis the said wayne and haill furniture thairof."—The complainer and also the defendants appearing personally, the Lords, "in respect of the violence usit be the saidis Johnne Borthuik and Thomas Borthuik," ordain them, within 48 hours, under pain of rebellion, to restore the said wain and teinds to the place from which they were taken, to remain there till it be decided to whom they justly belong. Acta 1585-87.

Stirling Castle, 8th Oct.

Sederunt—REX; Maister of Gray; Thirlstane; Doun; Dryburgh; Pittinweyme; Clerk of Register.

The Duke of Lennox against Harry Stewart, younger of Craigyhall.

Hieronomy Bowy, Master of the King's wine-cellar, having obtained a tack of the escheat of the teindsheaves of the lands of Kinpont, in the shire of Lynlythgow, which belonged to the late Earl of Mortoun, has, at his Majesty's special desire and command, transferred to Ludovic, Duke of Lennox, his whole right therein during the years yet to run. Nevertheless, as the Duke is informed, Hary Stewart, apparent of Cragyhall, "hes, at the leist intendis, at his awne hand, but ony title or rycht, to intromett with the teindshaves of the saidis landis of this instant crope and yeir of God."—The King and Council remit the matter to the Lords of Council and Session, and in the meantime ordain Nicoll Cornwall of Ballinhard, and Hay, messinger, to collect, lead and stack the teindsheaves in the barnyard where they were accustomed to stand, "upoun the expenssis of the self, and that with sic diligence and expeditioun as possiblie thay may, thair to remane unmellit or intromettit with be the saids pairteis, ay and quhill it be decydit befoir the jugeis competent to Fol. 24, b.

Acta 1585-87. quhome the samin justlie appertenis, undir the pane of rebellioun, and putting of the saidis Nicholl Cornwall and Hay to the horne."

Sir John Stewart of Traquair and James Stewart of Shillinglaw against the Lord and the Master of Yester.

Complaint by Sir Johnne Stewart of Tracquair and James Stewart of Schillinglaw, his brother german, lieutenant of the King's Guard, as follows:—"The said Johnne, having his duelling place on the south syde of Tueid, in a rowme subject to the incursionis of the thevis and brokin men of the Bourdouris, and lyand betuix thame and sindrie his Majesteis trew liegis quhome commounlie thai herry and oppres, hes, at all tymes, be himself, his brethir, his freindis and nychtbouris assisting him, duelland betuix the burgh of Peblis and Gaithopburne, withstand and resistit the stouth, reiff, and oppressionis of the saidis thevis and brokin men, to the confort and releiff of mony trew men; in quhilk course thay intend, God willing, to continew to thair lyves end." Of late, however, they have been "grittumlie hinderit thairin" by the ongoings of Williame, Master of Yester, "be the causing, directioun, at the leist ouersicht and tollerance, of Williame, Lord Hay of Yester, his fader, shereff of Peblis and provost of the burgh of Peblis, quha be the lawis of this realme, Actis of Parliament, and generall band, aucht to mak his said sone ansuerable." On the contrary, he has placed his said son in his principal house and strength of Neidpeth, "being rebell and at the horne for his inobedience to undirly the lawis for sindrie crymes committit be him, and remaning at the horne almaist be the space of ane yeir bipast, quhill within thir few dayis that he obtenit himselff relaxt; having in the meantyme not onlie usurpit and takin upoun him the charge of the schireffschip of the said burgh [*sic*] of Peblis and provostrie of the burgh thairof, bot ane absolute commandiment within the bounds of the said sherefdome and burgh, to proclame and hald wapponshawingis at tymes nawayes appointit be his Hienes directioun, nor be ony lawis or custome of this realme, to banishe and gif up kyndnes to all personis in burgh or land quhair he pleissis, to tak up menis geir, undir pretens of unlawis fra wapponshawingis or uthiris unnecessar caussis, nevir being lauchfullie callit nor convict, nor the said Maister haveand na pouer nor authoritie as a lauchfull magistrat to command thame." Further, as is well known to some of the Lords of Council, "the said Maister socht the lyff of the said James Steuart, and daylie shoris and bostis to slay him, and all uthiris of his kin, freindis, allya, assistaris and parttakaris, quhomeof he may be maister." It is represented, therefore, that the complainers "aucht to be exemit frome all authoritie, commandiment, and jurisdictioun of the said shereff and provest, his said sone, and his deputis and officiaris quhatsumevir, in tyme cuming."—The complainers appearing by James Lawsoun of the Carnemuir, and the Master of Yester appearing for himself and in name of his father, the Lords, after hearing reasons, remit the matter to the Lords of Council and Session, and in the meantime discharge the defendants and their deputies from all proceedings against the pursuers, their friends, servants, and defenders, till the 8th of January next.

Fol. 25, a.

Caution for John Craig.

Caution in 300 merks by Captain Thomas Craufurde of Jordanhill for

Johnne Craig in Over Munok, that he will not injure James Fairlie of Over Munok, his tenants and servants. Acta 1585-87.

To denounce Thomas Jardine and Matthew Moffat.

Complaint of Jeane Hammiltoun, Lady Lamingtoun, as follows:—"It is not unknawne to his Majestie and Lordis of Secreit Counsall how Alexander Jardane of Apilgirth, twa yeiris syne or thairby, maist tressonablie rasit fyre and brynt the place of Litilgill, pertening to the said Jeane in lyferent, and committit divers uthiris cruell oppressionis upoun hir, hir tennentis and servands" (*ante*, vol. iii. p. 592). But, not satisfied therewith, the said Alexander "hes steirit up Jardane, his sone and appeirand air, to execute his wicked purpossis and forder injureis aganis hir; quha, at his speciall command, laitlie upoun the penult day of Julii last bipast, accumpanyit with Will Bell, Will Jardane, callit Rid Will, Thomas Jardane in Birnok, Matho Moffett in Wodend, and divers uthiris his complices, to the noumer of xvi personis or thairby, bodin in feir of weir, come to the saidis landis of Littilgill, and thair violentlie and be way of deid, reft, spuilyeit, and awaytuke threscoir of ky and oxin pertening to hir." Further, the same Jardane, younger of Apilgirth, with his said accomplices, had come since then to her place of Wodend, "and thair perforce brak up the yettis of the same, enterit thairintill and hes intrusit thameselffis violentlie in the possessioun of the same; as alswa hes mannit the same with men and munitioun, thinking to detene the same as ane house of weir."—The said Jardane of Birnok and Moffett in Wodend not appearing, while the complainer appears by Mathow Baillie, her procurator, the order is to denounce Jardane and Moffett rebels.

Stirling, 10th Oct. Caution for James Leslie.

Caution in 1000 merks by Hew Barclay of Ladyland for James Leslie, dwelling at the Mylne of Fetterneir, that Andro, Lord Dingwell, David Grahame, his chamberlain, and the other tenants and servants of the said Lord, shall be harmless of the said James,—Williame Steuart of Seytoun and the said James becoming bound to relieve the said Hew of the premisses, and Johnne Andro subscribing for James Leslie, "becaus I can not write."

Stirling, 21st Oct. Officers of the cunyiehouse to remove to Perth.

As the plague is in Edinburgh and Dundee, the King, with advice of his Council, "ordanis and commandis the generall and maister of his Hienes cunyiehous to transport thameselffis, the prenting irnes, say box, and all officiaris furniture, warklumis, and necessaris belanging to the said house, fra the pairtis and places quhair thai presentlie remane, to the burgh of Perth, with all possible diligence, and thair to entir and continew in cunyeing and wirking of gold, silver, and allayed money, according to the actis and ordinanceis past thairupoun of befoir, alterand the circumscriptioun of the allayed penneis OPPIDUM PERTH for OPPIDUM EDINBURGI, and eikand a ring within the letters, as thai have alreddy outwith the same, quhairevir it sal happin the said money to be wrocht."—The wording of the remainder of the order is the same as in the previous order (*ante*, vol. iii. p. 751), for removing to Dundee, *mutatis mutandis*. Fol. 25, b.

Acta 1585–87.

Sederunt—Jacobus, Comes de Arrane;[1] Joannes, Comes de Montrois; Jacobus, Dominus Down; Joannes Maitland de Thirlstane; Clericus Justiciarie; Clericus Registri; Murdocarny. Stirling, 26th Oct.

Affleck of Cumlege against Lord Home and George Home.

Complaint by Archibald Afflek of Cumlege, as follows:—It is not unknown to the King and Council "quhat wrangis, injureis, and oppressionis hes bene committit aganis him be sindrie personis of the surname of Home; be quhome his house and fortalice of Cumlege wes intromettit with, dimolisheit and cassin down, his guidis and geir being thairin and upoun the lands thairof spuilyeit, intromettit with, and awaytakin, besydis the abstracting of his evidentis, and at last his awne persoun apprehendit, takin and usit as he had bene ane malefactour." Upon proof of his honesty, he had been at length restored to liberty and to the possession of his house and some of his "evidents"; since which time he had behaved himself dutifully, as he means to do to his life's end. Still, the malice of some of the name of Home against him is such that, "unles he yeild to thair inordinat appetyte in sum things concerning his landis," he cannot

[1] Arran, it will be seen, was again with the King at Stirling. It was not a moment too soon if he was to continue master of Scotland:—The meeting of the English and Scottish Commissioners at Berwick in the beginning of October on the subject of redress for the slaughter of Lord Russell (*ante*, p. 22, footnote) having proved ineffectual, Elizabeth had determined to break with James. She had peremptorily demanded the surrender of the Laird of Fernihirst, then an invalid in ward in Aberdeen; and, anticipating a refusal, she had instructed Wotton, in case of that event, to leave the Scottish Court and repair to Berwick, not thinking it "agreeable with her honour" to continue any minister of hers in Scotland (Oct. 11). Before this order had reached Wotton, *i.e.*, late at night on the 12th of October, he had withdrawn from Stirling on his own account, secretly and without leave-taking, believing his life to be in danger. He was at Berwick on the 15th of October. Meanwhile Elizabeth had given leave at last to the Banished Scottish Lords and preachers in London to return home. "They keeped," says Calderwood (iv. 381) "a verie earnest exercise of humiliatioun at Westminster, where manie teares were powred out before the Lord. The Erles of Angus and Marr, with the Maister of Glamis and their companeis, and with them Mr Andrew Melvill, Mr Patrik Galloway, and Mr Walter Balcanquall, tooke journey from Londoun, and came to the Borders, where they met with the Lord [John] Hammiltoun, and those that were in Berwick." This was on the 17th of October, two days after Wotton had arrived in the same town. From Berwick they removed to Kelso, thus actually invading Scotland; and there, joined by the Earl of Bothwell, Lord Hume, and the Lairds of Wedderburn, Cessford, and Cowdenknowes, they arranged their plans. Angus and the bulk of them were to advance to Peebles by way of Jedburgh, gathering forces, while Lord Hamilton and his adherents were to move to Dumfries, there to join Morton (Maxwell), who had been in arms all the summer; and the general rendezvous, when all was ready, was to be at Falkirk, near Stirling (Calderwood, iv. 382, and "Relation of the Master of Gray," in the *Gray Papers* published by the Bannatyne Club, pp. 58, 59). It was at this moment that Arran burst from his retirement at Kinneil and came to the King and Council at Stirling to take the lead in the defence. His chief partisans in the Council or at Court were the Earls of Montrose, Rothes, and Crawford, Lord Doune, Colonel Stewart, and his own brother, Sir William Stewart of Monkton; Secretary Maitland and Justice-Clerk Bellenden were secretly on the side of the invaders; the Master of Gray, whose deeper complicity with the invaders Arran had ascertained or divined, and whom he at once denounced to the King on that account, was absent at the moment, having gone from Court, as he himself tells us, on pretence of raising levies for the King's expedition against Maxwell, but really to surprise Perth, if he could, and hold it for the invading Lords ("Relation," p. 59). Meanwhile the different parties of the invading Lords were converging for their intended rendezvous near Stirling, spreading proclamations before them.

remain at home without danger of his life, "quhilk oft and divers tymes hes bene socht, and specialie of lait, be Alexander, Lord Hume, and George Home of Cramycruk, and uthiris thair complices, quha sindrie tymes hes lyne at awaitt for his slauchter, and still avowis to committ the same." For this purpose, as the complainer is informed, the said Lord Hume has of late "purchest ane blank commissioun, outwith counsall, aganis the Actis of Parliament, quhairin amang uthiris he hes insert the said Archibald name, as gif he wer ane malefactour, mynding, undir cullour of sum generall claus ingrossit in the said commissioun, to bereve him of his lyffe." The complainer's representation therefore is that "the said pretendit commissioun, gif ony be, aucht and suld be suspendit and decernit to ceis and tak na effect."—Lord Home and Hume of Cramycruik having been charged to appear before the Council, bringing with them the said commission, to hear judgment given, and the complainer appearing personally, but the defenders not appearing, the Lords declare the said commission to have no force or effect, and also ordain Lord Home to find caution in £2000 and George Home in 1000 merks, within ten days after being charged, that they will not injure the complainer, or his tenants and servants. Acta 1585-87. Fol. 26, a.

Proclamation for an immediate muster of nobles and gentlemen round the King at Stirling.

Refers to the former proclamations for an armed muster of the lieges to meet the King at Craufurde Castle on the 3rd of November next (see *ante*, p. 21, where, however, the 22nd of October had been appointed for the muster), and then proceeds to say that his Majesty, "considering the grite difficultie presentlie to gett oute the labouraris of the ground with carreage, in respect the cornis ar in mony placeis unled or won, seing alswa the diet of the proclamatioun is in the mirk of the mone, and that his Majesteis rebellis that wer [in] Ingland ar enterit in the meintyme in this realme be the Middill Marche and assistit be sindrie his Hienes unnaturale subjectis," has, therefore, thought fit that the convening of the fencibles at the Castle of Craufurde should be prorogated "quhill aboute the hicht of the nixt mone, or uthirwayes as salbe certefeit be new proclamatioun." At the same time "becaus of the hostilitie alreddy begun be the saidis rebellis, alsweill within the Eist and Middle as West Marcheis of this realme, and that thair tressonable attemptatis interprisit befoir the day appointit and in uthir pairtis then within the boundis of the said West Marche," proclamation is ordered at the market crosses of Striviling, Lynlythgow, Edinburgh principal, and within the constabulary of Hadingtoun, Beruik, Roxburgh, Selkirk, Peblis, Lanark, Drumfreis, Wigtoun, Air, Renfrew, Dunbartane, Coupar in Fyff, Perth, Kinros, Clakmannane, Forfar, and Kincardin, charging all noblemen and gentlemen dwelling within the said bounds, and within the stewartries of Kirkcudbrycht, Annanderdaill, Stratherne, and Menteith, and bailiaries of Kyle, Carrik and Cunynghame, "that thay and ilkane of thame, with thair houshaldis and substantious freindis, maist able and best horssit in weirlyke maner, providit for the space of thretty dayis, according to the formar proclamationis, addres thame to be at his Hienes in Striviling the penult day of October instant, or sonnar gif possiblie they can, to accumpany and assist his

Acta 1585–87. Majestie in defence and saulftie of his Hienes lyff and croun, levand thair commonis that ar occupiit in wynning of thair cornis, with thair careage, behind them quhill thai salbe neulie chargeit and advertist."

Sederunt—REGE PRESENTE—Jacobus, Comes de Arrane; David, Comes de Craufurde; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Patricius, Magister de Gray; Joannes Maitland de Thirlstane; Jacobus, Dominus Down; Clericus Justiciarie; Clericus Registri; Dryburgh; Pittinweyme; Murdocarny. Stirling, 29th Oct.

"The Kingis Majestie undirstanding how his declarit tratouris and rebellis, heirtofoir expellit be his Hienes furth of this realme, ar laitlie enterit in the same be the Middill Marche, assistit be sum uthiris his Hienes unnaturall and maist unthankfull subjectis, conspirit togidder in a maist heich and detestable tressoun aganis his Hienes persoun, estate and crowne, the principallis being alreddy blotted with sindrie and grite tressonable dealingis, bludshed, foirthocht murthouris and . ; quhilkis, yit taking on theme ane ypocriticall clok and pretens of relligioun, alluring to thair societie fleshlie and dissolute youthis, bludy murtherars, thevis and all uthir disorderit people, hes, be the terrour of sic a confusit nowmer, being for a grite part wicked and laules people, thevis, tratouris, and dalie exercett in reiff and crueltie, constranit sindrie barronis, gentilmen, and uthiris, within the boundis of the Mers, Teviotdaill, and boundis throw quhilkis the saidis rebellis have resortit, to follow thame for feir of birning of thair cornis and houssis, and sum pure men for feir of hanging and present death threatned unto thame gif thay tak not armis to follow the desperat cours of his Hienes rebellis in thair maist wicked and tressonable rebellioun: And his Hienes knawing how the hairtis of a grite pairt of his loving and faithfull subjectis, be sic untrew and cruell threatningis usit be his Hienes rebellis foirsaidis aganis thame, of intentioun to augment the nowmer and force of the saidis rebellis in outward appeirance:—Thairfoir, of his kinglie luif and compassioun towardis his faithfull and loving people, drevin aganis thair willis in sic calamitie and extremiteis, is moved, and be the tennour heirof, in the faith and worde of a king, grantis full and free remissioun and pardoun to all his Hienes subjectis that be terrour, feir, or craftie persuasioun, hes joyned with the saidis rebellis in counsall or actioun sen thair lait cuming within this realme, and yit within the space of tuentyfoure houris eftir the publicatioun heirof sall reteir and withdraw thame selffis fra the societie of the saidis rebellis, and depairt to thair awne houssis or uthiris places of maist saulftie: Declaring be thir presentis that thair ressett, supplie, intercommoning, and assisting bipast with the saidis rebellis, sen thair last entree in this realme unto the day and date of the publicatioun of this present proclamatioun, and tuenty houris thaireftir, sall nawayes be imput as ony cryme or offence to his Hienes subjectis that ressavis and embraceis the grace and benifite of his Hienes gratious and free remissioun, nor thay nor

Proclamation against the invading rebels, with offer of pardon to those who submit immediately.

Fol. 26, b.

nane of thame salbe callit, unlawit, or in onywayis persewit, for the crymes and caussis foirsaidis be ony maner of way in tyme cuming: Certefeing all and sindrie that eftir the publicatioun heirof contemptuuslie rejectis or neglectis to accept his Hienes grace and mercy now offerrit, thay salbe repute, haldin and estemit, like as his Majestie pronunceis and declairis thame to be, commoun enemeyis to his Hienes, his haill realme and gude subjectis; sa that quhasoevir sall slay or tak thameselffis prisonaris, birne, cast doun, or dimolish thair houssis, fortalices, cornis, and guidis sall incur na skaith nor danger thairthrow, in thair personis, landis, or guidis, nor sall not be callit nor accuseit for the same criminalie nor civilie be ony maner of way in tyme cuming: Dischargeing his justice and his deputis, the Lordis of his Counsall and Sessioun, and all uthiris his jugeis and ministeris of his lawis, thairof and of thair offices in that part for evir: And promissis, as said is, that the personis executouris of this present proclamatioun salbe condignlie rewardit and gratifeit of the reddiest of the landis and guidis of the saidis rebellis and thair assistaris, in memorie of thair faithfull and valyeant service, and to the terrour of all uthiris that sall attempt the like tressonable rebellioun in tyme cuming. And that letters be direct for publicatioun heirof be oppin proclamatioun at the mercatt croces of the heid burrowis of this realme and uthiris placeis neidfull, that nane pretend ignorance of the same." Acta 1585-87.

Stirling, 4th Nov.

Sederunt—REGE PRESENTE—Joannes Maitland de Thirlstane; Patricius, Magister de Gray; Clericus Justiciarie; Clericus Registri; Murdocarny; Blantyre.

John, Lord Hamilton, the Earl of Angus, and the other Banished Lords and their party, received into favour.

" Forsamekle as Johnne, Lord Hammiltoun, Archibald, Erll of Angus, Lord Douglas and Abirnethy, Johnne, Erll of Mar, Maister Thomas Lyoun of Balduky, Master of Glammis, Dam Annas Drummond, Countes of Mar, Dame Dorathie Stewart, Countess of Goury, James and Johnne Ruthvenis, sones to umquhile Williame, Erll of Goury, and his remanent bairnis, David, Commendatar of Dryburgh, Adam, Commendatar of Cambuskynneth, Williame, Commendatar of Paislay, Johnne Leslie of Balquhane, George Douglas of Parkheid, James and George Douglassis, his sones, Johnne Carmichaell of that Ilk, Hew Carmichaell, his sone, Mr Patrik Quhytlaw of Newgrange, Mr Johnne Colvill, chantour of Glasgow, James Lyoun of Eister Ogill, Walter Carmichaell of Rantriecroce, Patrik Hume of Argateis, Mr James Erskin, vicar of Falkirk, Johnne Douglas of Glaspen, Alexander, Commendatar of Coldinghame, David Home, minister, Jasper Home, Hary Home, Richard Cas, and divers uthiris barronis, gentilmen, and uthiris his Hienes subjectis, cuming laitlie to his Hienes presence, and affirming thair intentioun at this tyme, as thay have heirtofoir declairit, on nawayes to have tendit to the harme or skaith of his Hienes persoun, estate or authoritie, bot aganis sum privat personis aganis quhom thay had occasioun of offence, his Majestie upoun that respect, and upoun sindrie utheris considerationis moving his Hienes, hes acceptit

Acta 1585–87. the noblemen abonewrittin and all uthiris . . . that hes onywayes assistit thame in counsall, intelligence, ... or bene parttakaris of quhatsumevir . . . . Hienes firme peax, supplie, mantenance, defens . . .

Fol. 27, a. . . or perseuit for the same criminalie nor civilie in tyme cuming, as gif na sic deidis or occasionis had intervenit, and will and grantis that thay and every ane of thame may saulflie and with his Hienes gude favour and plesure apprehend the possessioun of thair awne landis, levingis and houssis fra quhilkis thai wer last dispossest, and to the guidis and geir extant on the ground, to be possest and broukit be thame in tyme cuming as befoir the troublis intervenit or thair dispossessing thairfra, nochtwithstanding quhatsumevir processis led aganis thame in ony tymes bipast, the effect quhairof his Majeste be the tennour heirof declairis to ceis and to be of na effect heireftir, ay and quhill his Hienes may with all convenient speid establishe and perfyte quhatsoevir may tend or be thocht convenient for thair full and sufficient suirtie with avise of his esteatis in Parliament; and, in the meantyme, ordanis letters to be direct to officiaris of armes, shereffis in that pairt, chargeing thame to pas to the mercatt croce of Striviling and uthiris placeis neidfull, and thair be oppin proclamatioun in his Hienes name and authoritie, mak intimatioun and publicatioun heirof, that nane pretend ignorance of the same; chargeing also and commanding all his Hienes liegis that nane of thame tak upoun hand to sclander, murmour, reprotche or bakbyte the noblemen abonewritten or thair parttakaris, or onywayes molest or persew thame in bodyis or guidis, upoun quhatsumevir caus, cullour or cryme bigane that onywayes may be objectit to thame, undir all hieast pane, charge and offence that may be committit aganis his Majestie in that part. Attour, that the saidis officiaris of armes relax the personis abonewrittin, thair parttakaris and servandis quhatsumevir, fra the proces of horne led upoun thame for ony caus or occasioun bigane preceding the date heirof, restoir thame to our Soverane Lordis peax, and gif to thame the wand thairof simpliciter in tyme cuming."[1]

[1] Seldom is a revolution in a nation indicated so strikingly and suddenly in the mere juxtaposition of two documents as is this Scottish Revolution of 1585 by the appearance of the present Minute of Nov. 4 in the Privy Council Register immediately in succession to the Minute of October 29. The events of the five intervening days were these:—The Master of Gray, who had been absent from Stirling on pretended duty on the 26th of October, when Arran had reappeared there to take the management (*ante*, p. 27, footnote), had been sent for by the King in consequence of Arran's denunciations of him as the secret arch-conspirator who had brought about the crisis. Though "doubtfull what to doe," as he himself tells us ("Relation" in *Gray Papers*, p. 59), yet, "feareing least his absence should overthrowe the whole plot, and, by giveing place to Arrane, hazard the cause," he had boldly risked the worst and gone to Stirling to confront Arran. Hence his presence in the Sederunt of Council of October 29 (*ante*, p. 29). He found the King "gracious," and was able to persuade his Majesty to disbelieve Arran's charges, he says; "which when Arrane and his complices sawe, they determyned to kill him in the Kingis presence amongst themselves, or at least within the Castell." At this instant the alarm of the enemy's approach compelled them to attend to other matters. Not only had the combined forces of the Banished Lords and Morton met in rendezvous at Falkirk on the 31st of October, about 8000 strong; they had

Stirling Castle, 7th Nov.

Sederunt—Ut in die predicto.

Recantation of the deposition of Edmonston of Duntreath against John, Lord Hamilton, the Earls of Angus and Mar, and the Master of Glammis, with proclamation accordingly.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secreit Counsall, comperit personalie Schir James Edmestoun of Duntreth, knycht, and frelie and voluntarlie, uncompellit, coactit, or onywayes persuadit, declairit upoun his conscience, and as he wald ansuer to God upoun the salvatioun and condampnatioun of his saull, that,—[although], at his being at Edinburgh in the moneth of last bipast, quhenas he wes examinat and accuseit of certane tressonable crymes for the quhilk he feirit the taking away of his lyff, [he] deponit for the saulftie thairof, amangis uthiris his speicheis, that the materis than confessit and deponit be him wer bot triffillis in respect of uthiris of greitar importance, quhilkis he wald utter gif his lyff mycht be spairit, uthirwayes he wald bury all with him into the graiff; and, althocht, upoun promeis maid thairof to him be James Stewart, callit Erll of Arrane, and certane uthiris, for quhilk he not onlie debursit grite soumes of money, bot als deponit and avowit that it wes reporteit to him be Johnne Hume, callit Blak Johnne, that Johnne, Lord Hammiltoun, Archibald, Erll of Angus, Johnne, Erll of Mar, and Mr Thomas Lyoun of Balduky, Maister of Glammis, wer to direct within this realme every ane of thame tua servandis for bereving of the lyff of his Majestie,—yit wes thair na sic mater spokin to him be the said Johnne Home, nather wes thair ony sic intentioun in the saidis noblemen or ony uthiris, bot the confessioun, depositioun and declaratioun utter[ed] be him

advanced the next day to St Ninians, within a mile of Stirling, and were encamped there, ready to besiege or assault the town. A proclamation of theirs, dated November 2, declared their utmost loyalty to the King personally, and avowed their sole object to be the removal from him of those evil counsellors by whose misgovernment of the Kirk and State Scotland had for some years been in such a wretched condition as "no true Scotish heart can remember without great dolour." The rule of "Aubigney, afterward called Duke of Lennox," was glanced at; but Arran, his former associate, and since 1583 the supreme minister, was attacked as the criminal-in-chief. They would not call him Arran, but only "James Stewart"; they accused him of bragging of his descent from Duke Murdo and of having dared to say of himself, "Here standeth the person of King James the Seventh"; and they protested that "suche a few number of beggarlie fellowes" as he and his accomplices were should not be permitted longer to "extinguishe the beautie and flower of the nobilitie, rule above the whole countrie, and keep his Majesty thrall" (see the Proclamation in Calderwood, iv. 383–389). It did not need this proclamation to announce to Arran what he had to expect if taken; and the experience of the same day convinced him that, though the King's forces were at least equal to those of the rebel Lords, defence was impossible. Only a few of the Council were really with him; the rest favoured the rebel Lords or had resolved to be neutral; neither the town nor the garrison would fight. A mere show of skirmishing in the streets, with a few shots, had put the besiegers in possession of the town, so that only the castle remained. Montrose, Crawford, Colonel Stewart, and others retired thither to be with the King, but Arran had fled. Affairs then resolved themselves into negotiation between the King in the overcrowded castle and the Council of the besieging Lords in the town, the Master of Gray and Sir Lewis Bellenden acting as chief mediators. At first the King dreaded some revenge on himself personally; but, when he had been reassured most solemnly on that point, the rest was easily settled. On the 4th of November, Hamilton, Angus, Mar, Bothwell, the Master of Glammis, and the rest of the rebel chiefs were within the castle, on their knees before the King and kissing his hands, and the Master of Gray and the other five remaining members of the old Council had drafted, as in the text, their order for a proclamation informing the lieges that Arran's rule was at an end, and that Scotland had passed under a new management.

Acta 1585–87. in maner foirsaid wes onlie for the saulftie of his lyff as said is, quhilk he declarit afoir the incuming of the same noblemen within this realme, be the space of aucht oulkis or thairby bipast, to Patrik, Maister of Gray, Johnne Striviling of Bute, servand to the Laird of Keir, and Mr Robert Douglas, provest of Lynclouden; quhilkis Maister of Gray, Johnne Striviling, and Mr Robert Douglas, being alswa personalie present and sworne, declairit that be the space foirsaid or thairby the said Schir James Edmestoun maid the formar confessioun to thame. The Kingis Majestie and Lords of Secreit Counsall, finding the saidis noblemen to have bene untreulie and unjustlie calumpniat, accuseit, and sklanderit, and willing to gif declaratioun thairof and of thair innocencie in this behalf, for the same purpois, ordanis letters to be direct to officiaris of armes, shereffis in that part, chargeing thame to pas and mak publicatioun of the premissis to all and sindrie his Hienes liegis be oppin proclamatioun at the mercatt croceis of the heid burrowis of this realme and uthiris placeis neidfull, quhairthrow nane pretend ignorance of the same; and als to command and charge the saidis liegis that nane of thame tak upoun hand to detract or slander the saidis noblemen as onywaves giltie of the said cryme, bot to repute and esteme, as his Majestie dois repute and esteme, and be thir presentis, with avise of the saidis Lordis, declairis, thame to be altogedder free, innocent, and nawayes gilty nor accusable of the same cryme, as thay and ilkane of thame will ansuer to his Majestie upoun thair uttermost charge and perrell, and undir the pane to be perseuit, accuseit, and punist as lesing-makaris, conforme to the lawis of this realme and Actis of Parliament."[1]

Lord Hamilton, the Earls of Angus and Mar, and the Master of Glammis, admitted of the Council.

Johnne, Lord Hammiltoun, Archibald, Earl of Angus, Johnne, Earl of Mar, and Mr Thomas Lyoun of Balduky, Master of Glammis, are "nominat, electit, and chosin" to be of the Privy Council, and the said Mr Thomas Lyoun is appointed captain and commander of the King's guard. Being all personally present, they give their oaths of office in the usual terms.

Fol. 27, b.

Linlithgow, 11th Nov. Anent wines and victuals in Edinburgh Castle.

The King and Council having "resolvit that the wynis, victuall, and uthir provisioun and furnissing being presentlie within his Majesteis Castell of Edinburgh sall remaine thairin and be delyverit to Schir James Home of Coldenknowis, knycht, or his depute," James Steuart, present constable, and other keepers of the castle, now ordered to remove from it, are to receive the prices of the said victual in satisfaction of their wages.

Linlithgow, 13th Nov. Sir Thomas Ker of Fernihirst's commission discharged.

In consequence of "sum appeirand troublis," commission had lately been given to Sir Thomas Ker of Fairnyhirst to "convocatt his Hienes lieges within the boundis of the Middle Marche, and with thame to have repairit to his Majestie at Striviling, or utherwayes to have persewit certane of his nobilitie and uthiris his Hienes subjectis quhilkis ar now ressavit and

[1] For Duntreath's deposition against the Banished Lords, see *ante*, vol. iii., p. 722, note. Robert Hamilton of Inchmauchan, associated with Duntreath in that affair, was one of the few persons killed in the capture of Stirling five days before.

standis in his Majesteis gude favour and grace." Although the causes for which the commission was granted are "removit and takin away," yet, as his Majesty is informed, "the said Schir Thomas ceissis not to convocat his Hienes liegis for revenge of his awne particular malice aganis sic personis as he pleissis, usand the said commissioun as a clok and cullour." The said commission is now therefore annulled; proclamation to that effect is ordered at the market crosses of Jedburgh, Hawik, and other places necessary; and Sir Thomas is charged to desist from using the said commission, under pain of treason. Acta 1585-87.

Caution for David Balfour.

Caution by Thomas Levingstoun, apparent of Haning, for David Balfour of the Powis, that, if required by the Council, "he sall reposses Adam, Commendatar of Cambuskynneth, to the teindis of Tullybody" from which he was dispossessed "throu occasioun of the lait troubles."

Linlithgow, 16th Nov. Caution for Stewart of Craigyhall.

Caution in 1000 merks by James Seytoun of Tullibody for Hary Stewart, younger of Cragyhall, that he shall render the fortalice of Calder to Williame Killing, messenger, upon 23rd November inst.

Linlithgow, 17th Nov. Caution for Thomas Ker of Aberdeen.

Caution by Johnne Gordoun of Petlurg for Thomas Ker, burgess of Abirdene, that he shall remove from the lands of Overtoun of Bahelvie and Langsett, as by letters raised by the Master of Glammis, James Arbuthnett of Lentushe, Johnne Arbuthnett of Caterlene, and David Arbuthnett, his brother, "quhilkis ar suspendit" till 31st Deecmber next. Fol. 28, a.

Linlithgow, 22nd Nov. Caution for Mr John Howieson, minister.

Caution by Williame Home in Bassinden for Mr Johnne Howesoun, minister, that he shall remove from the parsonage of Cambuslayng (*ante*, p. 15), if the Lords find he ought by the letters raised by Claude, Commendator of Paislay, which are suspended till the 20th of March.

Caution for James Crawford of Fermes.

Caution by Thomas Stewart, elder, of Gastoun, for James Craufurde of Fermes, that he shall pay to Claude Hammiltoun, Commendator of Paislay, the teinds of the lands of Craufurdeferme and Flas, and Noblisferme, Hallis, Coittis Eister and Wester, of the years bygone and to come, according to the letters raised by the said Claude, which are suspended till the 31st of March next,—Robert Hammiltoun of Huicheid relieving the said Thomas of this caution.

Linlithgow, 26th Nov.

Sederunt—REGE PRESENTE—Archibaldus, Comes de Angus; Thomas, Magister de Glammis; Patricius, Magister de Gray; Joannes Maitland de Thirlstane; Clericus Justiciarie; Blantyre; Murdocairny.

Lord Ross to be denounced for not appearing to answer to certain complaints of outrage.

Complaint by Williame Somervill, Johnne Boyd, and Johnne Knok, burgesses of Renfrew, against Robert, Lord Ros, as follows:—The said Lord Ros, "accumpanyit with fourty personis or thairby, come upoun the day of Julii last bipast, undir cloude and silence of nycht, to the duelling-hous of the said Williame Somervill, his wyff, bairnis and familie being sleipand in thair beddis, trusting na harme, trouble nor

Acta 1585-87. injurie to have bene done to thame be ony persoun, and maisterfullie and perforce brak up the duris thairof, dang his wyff in divers pairtis of hir body, and brak hir arme, quhairthrow sho hes lyne bedfast continualie sensyne in point and dangeir of hir lyff; like as the said Lord maist unnaturallie and filthelie deforceit and defoullit Agnes Brisbane, the said Williames gude-dochtir." Again, on the 18th of August last, "he, accumpanyit with fyftie personis, come to the said Williames landis of St Thomas croft, and maisterfullie reft and awaytuke fra him xxxvii thraves of beir, pertening to him, and being in his possessioun stukit upoun the saidis lands; and upoun the same day, undir cloude and silence of nycht, the said Lord, accumpanyit as said is, come to the duelling-hous of the said Johnne Boyd, and brak up the duris thairof, commanding and threatning his wyff and him to bring unto him thair servand wemen and dochteris, and the bony lassis in the toun, to be usit be him at his plesure, undir the pane of deid, and cruellie dang thame in divers pairtis of thair bodyis, quhairthrow the said Johnis wyff immediatlie thaireftir partit with bairne." The same night "the said Lord, seing he could not gett his filthie lust satisfeit, come to the duelling-hous of the said Johnne Knok, and likuise brak up the durris thairof, he, his wyff and bairnis being slepand in thair beddis, commanding his wyff undir the pane of deid to bring hir dochtir to the said Lord, to have bene usit according to his filthie lust and appetyte, and, his wyff crying for feir, they stoppit ane naipkine in hir throtl, quhairthrow she wes almaist wirreitt; quhilk filthie and unnaturall forme of doing the said Lord practisit upoun divers uthiris honnest men of Renfrew upoun the nycht foirsaid be breking up of thair durris and defoulling of thair wyffis and dochtiris, committand heirthrow maist filthie and unnaturall injurie upoun the saidis complenaris, not samekle to thair grite hurte and his awne ignominie and shame as to the hie and proude contempt of his Majesteis authoritie and lawis."—Lord Ros not appearing, while Williame Somervill appears for himself and as procurator for the other complainers, the Lords order the said Lord to be denounced rebel.

Feb. 28, b. Caution by Williame Ker of Cesfurde for Mungo Bennatt in Chastaris, and James Bennatt, his brother, in 200 merks each, that they shall appear before the Council when required upon 15 days' warning.

Linlithgow, 7th Dec. Caution for Mungo and James Bennett.

Caution by Alexander Stewart of Scottistounhill for James Stewart, his son and apparent heir, and Williame Young in Strabrok, that they shall,

Linlithgow, 10th Dec.[1] Caution for James Stewart and William Young.

[1] This day, Dec. 10, 1585, was the last day of a Parliament which had been sitting at Linlithgow since Dec. 1, adjusting matters to the revolution which had been effected by the return of the Banished Lords. Among the Acts they passed (Acta Parl. Scot., iii. 373–422) one was for the ratification of the late Act of Estates for a League with the Queen of England (vol. iii. pp. 760, 761). There was also a general Act for the restitution of the Banished Lords and their adherents, Hamiltons, Douglases, and of other surnames, with abolition of forfaultures, &c., against them; besides which there were special acts of grace, favour, and indemnity to Lords John and Claud Hamilton, the Earl of Morton (Lord Maxwell), the Master of Glammis, and others. There was an Act restoring the family

if required, remove from five oxengang of land of the lands of Strabrok, Acta 1585–87.
and allow James Alexander in Strabrok, to enter on the same, agreeably

of the late Earl of Gowrie to their estates and rights. There was also an Act for repossession of the ministers and masters of schools and colleges that had been exiled or displaced under Arran's administration. On the whole, the proceedings of the Parliament were very moderate, as if the new powers were less anxious for revenges than for a union of all interests round the King, now that their supreme enemy, Arran, was fallen and fugitive, and that Colonel Stewart, his chief instrument, was disabled and removed. This is shown by the Act of Parliament of Dec. 10, 1585, "for establishing of the Kingis Majesties Previe Counsall." By this Act the Council was to consist of the following members:—John, Lord Hamilton; Archibald, Earl of Angus; George, Earl of Huntly; George, Earl Marischal; John, Earl of Mar; Andrew, Earl of Rothes; John, Earl of Morton (Lord Maxwell); Patrick Adamson, Archbishop of St Andrews; Adam Bothwell, Bishop of Orkney; William Maxwell, Lord Herries; Lord Claud Hamilton, Commendator of Paisley; Patrick, Master of Gray; Robert Keith, Commendator of Deer; Alexander Seton, Prior of Pluscardin; Sir James Hume of Cowdenknowes; and Alexander Colville, Commendator of Culross;—together with the ordinary officers of State, continued or newly appointed, viz.: (the Chancellorship left vacant in the meantime) Thomas Lyon, Master of Glammis, *Treasurer;* Sir Robert Melvill of Murdocairny, *Treasurer-Depute;* Sir John Maitland of Thirlstane, *Secretary;* Sir Lewis Bellenden, *Justice-Clerk;* Alexander Hay of Easter Kennet, *Clerk-Register;* Andrew Wood of Largo, *Comptroller;* Walter Stewart, Prior of Blantyre, *Keeper of the Privy Seal;* Mark Ker, Commendator of Newbattle, *Master of Requests.*—Of these, Lord Claud Hamilton, who had been acting a part of his own in recent affairs, not quite in unison with the general body of the Banished Lords, was for the present abroad, having shared the benefit of the Revolution in his absence and without having contributed to it so directly as his brother John, Lord Hamilton. To this John, Lord Hamilton, named first in the new Council for his blood-royal and nearness to the throne, a special Act of the Parliament assigned the future custody of his insane brother, now voted again to be the true and sole Earl of Arran, whose title had been illegally usurped by James Stewart.—To complete this account of the changes of November and December 1585, it may be added that Lord Hamilton had been reappointed keeper of Dumbarton Castle, Angus keeper of Tantallon Castle, the Earl of Mar keeper of Stirling Castle, while the keepership of Edinburgh Castle was given to Sir James Hume of Cowdenknowes, and that of Blackness Castle to Sir Lewis Bellenden; also, that the Master of Glammis had been appointed Captain of the King's Guard, in place of the discharged Colonel Stewart, and that there was an Act of Parliament confirming the Master of Gray in the rich abbacy of Dunfermline.—It was observable that, in all the arrangements of the Parliament and of the new Court, the King was very tenacious of right of precedence for his young favourite, Ludovic, Duke of Lennox. Both Lord Hamilton and the Earl of Angus yielded a good deal in order to humour the King in this and in other matters.—The most unsatisfactory result, for the Presbyterian bulk of the population at least, of the Revolution effected by the return of the Banished Lords was the neglect of the vital question of Kirk policy. It had been expected that there would be an immediate reversal of the pro-Episcopal policy of the Arran rule, and especially a repeal of the Acts of the Parliament of 1584 for curbing and controlling the Presbyterian clergy (vol. iii. pp. 665 and 684, footnotes); and yet a month had elapsed since the Revolution, and a new Parliament had sat, and there had been no sign whatever in favour of Presbytery, save what was involved in the return of the banished Presbyterian ministers with the Banished Lords, and in the cessation of the persecution of other Presbyterian ministers who had remained at home. The cause lay with King James himself. His notions of kingly power were fully formed; he was eager to give effect to them in speech and argument with those about him, and also, so far as he could, in action; and his resentment of the past severities of the Presbyterian clergy in their dealings with himself, of their pulpit freedoms, and of their interferences with State affairs, had settled into an antipathy to the Presbyterian system itself and a resolution to uphold the order of Bishops. Hence, when the returned Lords came round him, they had found him unmanageable on that point, and had been obliged to temporise or else resort to measures of compulsion which seemed undesirable in their circumstances. In vain had the two Melvilles and the other clerical leaders of the Presbyterian cause admonished them of their duty. "They answered they behoved first to be sattled in

Acta 1585-87. to letters he has obtained,—which letters are suspended till the 31st of December instant.

Sederunt—REGE PRESENTE—Hammiltoun; Angus; Huntley; Mar; Mortoun; Magister de Glammis, Thesaurarius; Sanctandrois; Orknay; Neubottle; Culrois; Pluscardin; Blantyre; Secretarius; Clericus Registri; Computorum Rotulator; Prepositus de Lynclouden; Clericus Justiciarie. Linlithgow, 11th Dec.

Fol. 29 a. Partly because the pestilence is still in Edinburgh and Dundee, and partly through the "drift and delay" of the lieges, the 12d. pieces, bawbees, placks, and 3d. groats are not being brought in to the master cunyeor to coin into new money, as required by Acts of Parliament and divers proclamations (*ante*, vol. iii. p. 680). Thus, not only are the officers of the cunyie house constrained to lie idle, "bot the unlauchfull transporting, breking down, and fynning of the saidis peceis hes bene usit in the meantyme alsweill outwith the cuntrey as within the same, to the grite hinder of his "Anent the cuinyie."

their owne places, and then they would work wonders." Only the Earl of Angus, among the members of the new government, was thoroughly at one in heart with the Presbyterian clergy in the crisis, and he found no sufficient concurrence among his colleagues. "The Maister of Glammis, upon whose witt they depended, said it was not expedient to *thraw* out of the King, so addicted to the government of Bishops, anie reformatioun of the Kirk for the present, but to procure it by time with his full consent and liking" (Calderwood, iv. 449). In fact, from the time of this Parliament at Linlithgow in December 1585, it seemed as if the prospects of the Presbyterian cause were less bright under the new government brought in by the return of the Banished Lords than they had been under that prior government of the Ruthven Raiders, from August 1582 to July 1583, of which the Banished Lords were bound to consider themselves the heirs and executors. Matters were complicated among the clergy themselves by the fact that there was now a middle party among them, studious of avoiding extremes. While the two Melvilles, Andrew and James, kept up the banner of thoroughgoing Presbyterianism, and had numerous adherents, some of the most zealous of whom were among the younger spirits, and while Episcopacy was still represented in Patrick Adamson, Archbishop of St Andrews, and such as supported him, there was an intermediate or moderate party, consisting chiefly of those ministers who had seen fit to succumb under the terrors of the late Arran supremacy and had testified their submission by subscribing the obligation of obedience to the ecclesiastical Acts of the Parliament of 1584 (see vol. iii. pp. 704 and 713, footnotes). At the head of this party was Mr John Craig, Knox's associate in the Reformation and his colleague for some time in the church of Edinburgh, and now in his seventy-fifth year. Stung by a sermon in Edinburgh by Mr James Gibson of Pencaitland, reflecting on the subscribing clergy, old Mr Craig had preached a sermon, before the King and Parliament at Linlithgow, retaliating upon those recently exiled Melvilles and others whom he called "the peregrine ministers," and inculcating doctrines of passive obedience to the civil powers which seemed strangely at variance with the earlier and bolder parts of his career. See Calderwood, iv. 466–483, for an extremely interesting, and historically most instructive, colloquy between the Earl of Angus and David Hume of Godscroft on the subject of this sermon of Mr Craig and its bearing on Scottish politics; and see in the immediately preceding pages (450–467) the records of a paper controversy which had been held during the sitting of the Linlithgow Parliament between the Presbyterian clergy and the King himself on the points of difference between them. The young King, while arguing with the Presbyterian clergy, and stating with his own hand his reasons for maintaining Episcopacy and the obnoxious ecclesiastical Acts of Arran's Parliament of 1584, had prefixed this significant motto to his paper, "Nam ejus est explicare cujus est condere:" "The duty of explaining belongs to him who has the right of establishing." James was then in his twentieth year.

Majesteis proffite and hurte of the commounweill, the said cuinyie being ane of the cheif rent and casualitie belangand to his crowne, be the quhilk the personis appointit for the Gaird of his Hienes persoun hes bene accustomat to be payit, and sindrie uthiris necessar effearis of the cuntrey outred and furnist." The officers of the cunyie house are, therefore, commanded to remove as soon as possible "with their haill werklumis" to the burgh of Perth, there to continue to work and coin the gold, silver, and alloyed money, according to the Acts formerly passed. Proclamation is to be made accordingly, with a charge to the lieges to inbring to the master cunyeor the said pieces of alloyed money within a date not specified, under pain of confiscation of the same and imprisonment. Acta 1585–87.

Caution for Mackenzie of Kintail.

Caution in £10,000 by Johnne Gordoun of Pitlurg for Coline M^c^kenzie of Kintaill, that he will not injure Andro, Lord Dingwell, his tenants or servants.

Linlithgow, 13th Dec. The Bishop of Moray to be set at liberty.

George, Bishop of Murray, having been committed to the custody of George, Earl of Huntley, and the late Mr Thomas Gordoun, his father's brother, upon 10th June 1584, to be delivered again when required, the King and his Council, finding no "just caus" why he should be any longer detained, order the said Earl to put him at liberty, declaring that he and his late uncle "hes done thair honnest and sufficient deuitie."

Linlithgow, 14th Dec.

Sederunt—Thomas, Magister de Glammis, Thesaurarius; Patricius, Sanctandree Archiepiscopus; Joannes Maitland de Thirlstane, Secretarius; Clericus Registri; Custos Secreti Sigilli; Computorum Rotulator; Clericus Justiciarie.

To denounce John and James Louriston.

Complaint by Cristeane Hering, relict of James Lourestoun of that Ilk, and Patrik Cornuall, her spouse, for his interest, as follows:—Robert Lourestoun, burgess of Edinburgh, Johnne Lourestoun of that Ilk, and James Lourestoun, burgess of the said burgh, in 1581 "wranguslie and perforce" took from the complainer's barn of Lourestoun 10 bolls of oats, and also, upon 12th December last, 4 bolls of wheat. "The said Cristeane finding falt thairwith, the said Robert, hir sone, maist unnaturallie perseuit hir for hir slauchter, and had not faillit to have put violent handis in hir persoun gif sho had not fled fra him and gude nychtbour had stayit him; and be sic extreme and unnaturall forme of doing ussis hir and hir said spous, be persewing thame nycht and day for thair slauchteris, as thai have constranit the saidis complenaris to leiff thair awne duelling-place in Lourestoun. And the saids Robert and his brethir, still continewing in thair malice and formar oppressioun towardis the saidis complenaris, upoun the tent day of November instant come to the saidis complenaris lands of Lourestoun, and thair wranguslie, as of befoir be thair formar oppressioun, cuist in ane peis stak standing in the barneyaird thairof, and disponit thairupoun at thair plesure, the said Fol. 29, b.

Acta 1585-87. Patrik, hir husband, being in the meantyme within the burgh of Striviling, attending upoun his Majesteis service. Sic unnaturall forme of doing and manifest oppressioun of the sonis towardis the mother hes sendle bene sene, and not sa mekle to thair grite hurte and skaith as to the proude contempt of his Hienes authoritie and lawis, gevand uthiris evill example." —Johnne and James Loureston having been summoned to answer, but not appearing, while Patrik Cornuall appears for himself and his spous, the said Johnne and James are denounced rebels.

Caution for John Cuming of Couttie and others.

Caution in 1000 merks by Andro Blair of Auldblair for Johnne Cuming of Cowtie, Johnne Moncur of Chappeltoun, Patrik Moncur, son and apparent heir of George Moncur, son of the late George Moncur of Kirkhill, and Laurence Soutar, that thay shall deliver the fortalice of Kirkhill to Andro Moncur of that Ilk, if it shall be found "that thai outher had, kepis, or detenis the said hous."

The Session and Exchequer to sit at Linlithgow.

The King understanding "the grite skaith sustenit be his liegis throw the lang want of the administratioun of civile justice be non-residence of the Lords of Sessioun, quhilk hes happynnit throw occasioun of the lait plague," now happily abating, and understanding Lynlythgow, where he now is, "to be clene and void of all suspitioun of the said seiknes and maist commodious and narrest to the burgh of Edinburgh, quhair the Sessioun maid residence of befoir," it is ordered that the Lords of Council and Session, with all other members of that Court, and also the Lords and other auditors of the Exchequer, with the clerks and officers thereof, shall repair to Lynlythgow by 1st January next, to meet that day and remain there in discharge of their duties, "conforme to the lait Act of Parliament" (1585, c. 15, iii. 380), till farther order.

Linlithgow, 21st Dec.

Sederunt—REGE PRESENTE—Joannes, Dominus Hammiltoun; Joannes, Comes de Mar; Thomas, Magister de Glammis, Thesaurarius; Joannes Maitland de Thirlstane, Secretarius; Clericus Justiciarie; Prepositus de Lynclouden; Pluscardin; Murdocarny.

James Gibson, minister of Pencaitland, committed to ward for high treason on account of an offensive sermon.

"The quhilk day, the Lordis of Secreit Counsall, having fundin be thair
Fol. 30, a. triell and sentence that James Gibsoun, minister at Pencaitland, in speiking and uttering . . speichis to the contempt and reproche of his Hienes and his authoritie, avowit in presence of his Majestie and the saidis Lordis of his Prevey Counsall, hes committit the cryme of tressoun, ordanis him to be committit to strait warde and sure firmance and captivitie within the Castell of Edinburgh, to remane thairin at his awne chargeis, ay and quhill he be ordourlie callit and punist for the same and justice ministrat upoun him conforme to the lawis of this realme."[1]

[1] See *ante*, p. 37, footnote; and, for a detailed and very graphic account of Mr James Gibson's exact offence, and of his appearance this day before the Council and colloquy with King James in justification of it, see Calderwood, iv. 484–488.

Linlithgow, 23rd Dec.

Sederunt—REGE PRESENTE—Thesaurarius; Secretarius; Collector Generalis; Custos Secreti Sigilli; Pluscardin. Acta 1585–87.

"That nane sclander or detract his Majestie for putting of punishment on James Gibsoun."

James Gibsoun, minister at Pencaitland, having been "delaitit to his Majestie and Counsell to have gevin oute in oppin pulpett at Edinburgh certane maist opprobrious and tressonable speicheis aganis his Majesteis awne persoun," and having "confessit and in thair presence affirmit be his subscriptioun thir to have bene his verry words: 'I thocht that Capitane James Stewart [*i.e.*, Arran] and Williame Stewart, and Lady Jesabell [*i.e.*, the Countess of Arran] had persecuted the Kirk, bot now I have fund the treuth, that it wes the King himself. As Jeroboam and his posteritie wer roted oute for staying of the trew worshipping of God, sa I feir, gif he continew, he sall conclude his race.'" The King and Council, "finding his Majesteis maist innocent persoun thairby maist injuriouslie and untreulie chargeit with persequutioun of the Kirk of God, and threatned with the like plage and punishment as wes pronunceit be the propheitis aganis maist wicked and godles kingis, and thairwith weying how far his Hienes fame and honnour, bot most of all his godlie zeale and constant perseverance in the trew religioun, his greitast glorie in this earth, wes thairby heichlie woundit, and quhat pernitious example the impunitie of sic infamous sklander and reproche mycht cary with it to his haill realme and liegis," have therefore "fundin, decernit, and in ane voce concludit, that the said James, in using of sic speiches, hes incurrit his Hienes Act of Parliament maid anentis the sklanderaris of his Hienes and his progenitouris, and in swa doing hes committit oppin and manifest tressoun, and thairfore hes adjuged him to be committit to warde within his Hienes Castell of Edinburgh, thair to be kepit in sure firmance ay and quhill he be presentit to ane assyse and suffir punishment according to the qualitie of his desertis." And now, "to the intent that nane of his Hienes liegis calumpniat, sklander, or reproche his Hienes or his procedings," proclamation is ordered to be made at the market crosses of Edinburgh, Lynlythgow, and other places necessary, publishing the "said James his maist malicious and tressonable deserving," and inhibiting all and sundry the lieges "that nane of thame presume or tak upoun hand to sklander, murmour, or detract his Hienes, or his lawis, for putting the said punishment to dew executioun upoun the said offendar."

Caution for Sir Thomas Ker of Fernihirst.

Caution by William Ker, younger of Ancrum, and Harie Haliburtoun of Martoun, for Sir Thomas Ker of Pharnyhirst, that he and his servants shall remove from the lands of Lintoley, Langley, Quhorterwode, Gilleis Burghis, the lands and lordship of Jedburgh Forrest, the teinds of the lands of Henderlithen, the wood called Lymkilwode, abstaining from all cutting and destroying thereof, and shall suffer Archibald, Earl of Angus, and his servants in his name, to enter thereto and intromit with the maills and duties, if it is found that he ought.

George Grahame, tutor of Menteith, and his followers, on the one part, Fol. 30, b.

Acta 1585–87. and Walter Lekky of that Ilk and his followers, on the other part, "ar lyand in garisonis, to ane grite nowmer of his Majesteis liegis, bodin in feir of weir, like as thai have lyne and convenit thir mony dayis bigane," waiting opportunity "ather pairtie to invaid uthirs be way of deid and hostilitie." Both parties are accordingly charged to "skaill" their forces and desist from farther convocation of the lieges or mutual provocation, and, to this effect, are commanded to assure one another within six hours after being charged, under pain of rebellion, and also to appear in peaceable manner before the King and his Council when warned, in order to the settling of "the debaitis and contraversies betuix thame." Holyrood-house, 7th Jan. Charge to the Tutor of Menteith and the Laird of Leckie.

Sederunt—REGE PRESENTE—Angus; Mar; Thesaurarius; Secretarius; Clericus Justiciarie; Computorum Rotulator; Collector Generalis; Blantyre; Coldenknowis; Murdocarny. Holyrood-house, 10th Jan.

On supplication by Sir Williame Stewart of Caverstoun, setting forth that, by the King's direction, he had "travellit laitlie with James Stewart, his Majesteis lait Chancellar, for recovery of sum of his Majesteis jeuellis being in his hands," and that he had "recoverit from the said James the jeuell callit the H, with the chenzie thairto appending, quhilk he delyverit in his Majesteis awne hands," the King exonerates and discharges him, and the said late Chancellor, of the said jewel. Exoneration to the late Chancellor, and Stewart of Caverston, in the matter of the jewel called H.

Sederunt—Thesaurarius; Secretarius; Clericus Justiciarie; Pluscardin; Coldenknowis. Holyrood-house, 13th Jan.

Complaint by Williame Johnnstoun, Englishman, residing in Wark.—He had come on business to Scotland upon safe conduct granted to him by Alexander Hume of Huttounhall, warden depute of the East March, dated at Huttounhall upon 20th December last, trusting to have had a free passage, in respect of the said conduct "and of the gude peax and amytie standing betuix the twa realmes." Nevertheless, David Edmestoun in Burnhous had made him prisoner on the 24th December last, and still holds him in custody without reason.—The said David having been charged to present his prisoner to the Council or to appear and show cause to the contrary, and having failed to do either, the Lords, having seen the said safe conduct, which was to be good for 15 days after the date thereof, ordain the said Williame Johnnstoun "to brouke the previlege of a free persoun, and on nawayes to be repute, haldin nor estemit as lauchfull prisonar." Proclamation is to be made accordingly, and Edmestoun is required to set his prisoner at liberty within six hours after being charged,under pain of rebellion. William Johnston, Englishman, against David Edmeston in Burnhouse.

'ol. 31, a.

Sederunt—Angus; Magister de Glammis, Thesaurarius; Magister de Gray; Episcopus Orcadensis; Secretarius; Custos Secreti Sigilli; Holyrood-house, 22nd Jan.

Clericus Justiciarie; Computorum Rotulator; Collector Generalis; Murdocarny; Coldenknowis. Acta 1585–87.

James Stewart and William Young against James Alexander.

Complaint by James Steuart, son and apparent heir of Alexander Stewart of Scottistounhill, and Williame Young in Strabrok, as follows:—James Alexander in Strabrok "hes, upoun sinister informatioun and wrang reporte maid to his Majestie and Lordis of Secrete Counsall, purchest letters as he that wes ane of the cumpany of the noblemen laitlie cum to his Hienes," and has therewith caused charge the complainers to remove from the five oxengang of land of Strabrok belonging to the said James, and permit him to enter thereto and possess the same, "as befoir the troublis intervenit, or his dispossessing thairfra," within 24 hours after the charge, under pain of rebellion, and, "for allegeit inobedience thairof, hes or intendis to caus putt thame thairto." Now, for one thing, the said Alexander was never dispossessed by the complainers, but removed of his own accord, as is proved by authentic instruments. Further, in December 1582, he renounced and resigned, under his own hand, in favour of Williame Young, all right and title to the said lands during his lifetime, for a yearly payment of £5 to the Lairds of Blacader. Still further, the said Williame Young has constituted the said James Steuart his lawful cessioner and assignee to the foresaid tack and renunciation, as is shown by his letters of assignation. Accordingly, the said letters and horning obtained against the complainers should be suspended for the causes foresaid; but, nevertheless, in obedience to the said letters, they have found caution for removal if legally required (*ante*, p. 35).—Charge having been given to the said James Alexander to appear personally and produce before the Council the said letters in order that the same might be suspended, and parties being now called, and James Steuart appearing for himself and in name of Williame Young, but James Alexander failing to appear, the Lords ordain the foresaid letters of horning to be suspended till the same be produced and parties warned.

Supplication of the city of St Andrews, setting forth the present misgovernment and confusion of that city by the tyrannical practices of Sir Patrick Leirmonth, Provost, and certain Bailies in league with him: Commission of inquiry appointed.

Supplication by the Council, and whole community, citizens and freemen, of Sanctandrois, as follows:—Their city, being "ane of the cheiff and principall tounis of this realme, and being of auld governit be maist godlie and wyse magistratis, evir bent for furthsetting of the godlie commounweill thairof, setting apairt thair awne particular commoditeis, to the grite honour of this realme and policie of the said citie, being cheiff toun within this realme quhair vertew and leirning wes fosterit and vice repressit," yet "is now, be the injurie of the lait seiknes and Gods visitatioun thairin, becum altogidder without cair, reull or governament of sic personis as the policie thairof requiris." The magistracy "is usurpit and borne be sic personis as ar unworthie to beir reull thairin, and expres aganis the lawis and practique of this realme." More specifically, "Schir Patrik Leirmonth of Darsy, knycht, provest thairof, expres aganis the lawis and Actis of Parliament maid anent the libertie and fredome of burrowis, ordaning that the saids magistratis salbe yeirlie exchangeit, and Fol. 31, b.

Acta 1585-87. the lytis onlie of burgessis, trafficquaris and fremen, and nane uthir," has within these few years past, "sinisterlie and without consent or knaulege of the honnest men and communitie of the said citie, causit statute and mak certane statutis, alsweill providing him to the said office of provestrie for his lyftyme (secluding all electioun thairof yeirlie), as ordaning his eldest sone president in his absence,—meaning thairby to obtene the said office to himself and his airis heritablie, to the perpetuall thrall and tyrannie of the said citie, contrare the said Actis of Parliament; and siclike hes disponit uthir commoun offices, with prebendareis and alterageis pertening to the presentatioun of the provest, baillies, and counsall of the said toun, to the noumer of thretty or ma, without the knaulege or consent of the saidis baillies and counsall, and hes abstractit and removit the commoun and propir evidentis of the privilegeis of the said citie: namelie, the eldest evident thai have, callit the Goldin Chartour." Not content therewith, he "hes obtenit the giftis of the escheittis of all personis within the said citie that sall happin to fall to himself and his posteritie in heritage, and hes gottin the grite customes in heritage, thinking thairby to wrak thame and thair commounwelth"; and "hes gevin and disponit to his thrid sone the customes of the corne mercatt, and appropriat the commoun landis to himselff, and yeirlie proffittis thairof, quhilkis wer appointit for uphald of thair schoir, kirk, tolbuith, portis, and uthiris commoun effearis in the citie." And, "that na ordour may be takin with him for redres heirof, he hes swa confoundit the estate of nychtbouris thair that the merchand, meilmakar, fishear, or uthir, sall nocht be decernit be thair state, and that, be dalie ressaving of the freemen and applying thairof to his awne use, and that na counsall salbe haldin except he be present or than his said sone appointit president, inhibiting alsua that na complaintis of a multitude or commonis salbe hard, nor pluralitie of subscriptionis ressavit, thinking thairby to seclude the complenaris upoun all things concerning the abuse of thair commounwelth." Moreover, "Mr David Russell, Henry Lawmonth, Williame Cok, and Williame Leirmonth, men slanderous in lyff, hes usurpit wranguslie the offices of baillierie upoun thame, without ony kynd of electioun; and, undir pretens of thair offices, and be vertew of ane pretendit commissioun purchest be thame for taking ordour with the pure and infectit personis with the pest, thay maist ungodlie and cruellie execute the same commissioun, far by the meaning thairof, to the wrak and heirship of the nychtbouris alsweill within as without the said citie, as salbe manifestlie provin." Further, "the saidis pretendit baillies, nawayes mynding that the guidis and geir of the personis deceist sall cum to knaulege, nor that the just airis sall enjoy the same, or that thai salbe comptable thairfoir, have maid pretendit actis and statutis maist ungodlie, inhibitand maist famous notaris to cum thair to mak testamentis or to witnes to the will of the deid; and, gif it happynnis that ony personis befoir thair deceis gif to thair bairnis or traist freinds ony soumes of money, guids or geir, in keping, thay compell thame, be imprisoment or feir of death, to delyver

the same in thair custody and keping, and usis and disponis thairupoun as thai think gude, and that be imployment of the fyft penny of the guidis of all personis deceist to the clengearis and sic uthiris as thai pleis, by and attour the soume of fourty punds money appointit be thame to be payit monethlie to the saidis clengearis, with ane mark of ilk deid body: quhilk charge the said citie is not able to beir. And als thai suffir the pure to pas infectit athorte the cuntrey, nochtwithstanding the saidis complenaris rycht ressonable and voluntar contributioun bestouit on thame for staying of the same, and hes denunceit sum nychtbouris to the horne maist maliciouslie as for non-payment of thair taxatioun, quhilk thai had not onlie payit, bot also, be manifest advancement in tyme of maist neid and befoir ony taxt sett doun, doublit and triplit the same. And thaireftir, sum of the saids complenaris resorting to thair awne houssis for taking sum ordour with thair guidis thairin, thay have compellit thame, be onlaying of foull hands and feirfull kynd of wanddingis, to satisfie thair unressonable impostis. And laitlie thai have maid actis and statutis be the quhilkis thai debar the saidis complenaris fra thair awne houssis, onles thay pay sik soumes as thai pleis lay on thame, quhilk they terme the redemptioun of thair lands and houssis, ordaning alswa the saidis complenaris be latter proclamationis to returne hame to thair awne houssis, undir the pane of tinsell of thair fredomis. And, thairthrow, the saidis provost and baillies being unworthie to beir office in ane reformeit citie or commounwelth, the saidis complenaris ar compellit to lament thame to his Majestie and Lordis of Secreit Counsall for taking ordour heirin, that thay may be depryvit, and sic uthiris godlie personis electit and chosin, according to the Actis of Parliament, lawis and statutis of this realme, as ar worthie to beir reull and governament in the said citie; humelie desiring, thairfoir, that sum neutrall barronis and burgessis mycht be appointit to tak tryall and cognitioun in the premissis, and to reporte the treuth and veritie thairof to his Majestie and the saids Lordis, lyke as at mair lenth is contenit in the said supplicatioun."—This supplication having been "red, hard, and considerit," the King and Council give full power and commission to Robert, Earl of Marche, Patrik, Archbishop of Sanctandrois, Lundy of that Ilk, David Carnegy of Cullethy, James Wode of Lamylethame, Johnne Johnnstoun, called of Elphingstoun, burgess of Edinburgh, Alexander Scrymgeour, burgess of Dundee, and Archibald Melvill in Dysart, or any seven, six, five, four, or three of them conjunctly, to do all that is required for taking trial and cognition in the premisses, and to report their conclusions to the King and Council, "to the effect forder ordour may be takin heiranent as appertenis." The said commissioners are charged to accept this commission, and to proceed under it as "convenientlie" as possible, under pain of rebellion.

Acta 1585-87.

Fol. 32, a.

Holyrood-house, 25th Jan.

Sederunt—Angus; Rothis; Archiepiscopus Sanctiandree; Episcopus Orcadensis; Thesaurarius; Secretarius; Magister de Gray; Blantyre; Pluscardin; Culrois; Coldenknowis; Murdocairny.

Acta 1585-87. Williame Tyrie, younger of Busbeis, had been charged, at the instance of protest by the tenants of the Lordship of Methven, to appear upon 24th January inst., to hear it proved that letters "allegit rasit be Johnne Robertsoun, portionar in Wester Busbeis, and James Spadie thair, aganis the saidis tennentis," requiring them to find surety and lawburrows to the said Johnne and James, "wer wranguslie and fraudfullie rasit, usit, and execute," without their knowledge and consent, "and that be the moyane of the said Williame Tyrie."—No one appearing for the tenants, William Tyrie, who is present and ready to answer, protests that he shall be no farther troubled till he is newly warned by other letters; and the protest is admitted.

Protest by William Tyrie, younger of Busbie, against the tenants of Methven.

Fol. 32, b. Caution by Mathew Stewart of Barscub for Johnne Knox of Ramforlie in 300 merks, for Uthred Knox, his son and apparent heir, James Knox, Williame and Knox, his sons, Johnne Portarfeild in , and Gabriell Cunynghame of Carcurane, in £100 each, that Patrik and Robert Henrisonis in Traquell, George Kelso there, Johnne Beg there, Johnne Holme in Giblistoun, Robert Walkinsha in Portarfeild, and Johnne Irwing there, with their wives, bairns, tenants and servants, shall be skaithless of the foresaid persons in their bodies, lands, and goods.

Holyrood-house, 27th Jan. Caution for John Knox of Ranfurly and others.

Sederunt—Angus; Mar; Episcopus Orcadensis; Thesaurarius; Secretarius; Clericus Justiciarie; Computorum Rotulator; Collector Generalis; Custos Secreti Sigilli; Culrois; Pluscardin.

Holyrood-house, 31st Jan.

In consequence of "the grite stouth frequentlie committit" within the bounds of the Middle March, a justice court is to be held in the Tolbooth of Jedburgh on by Williame Ker of Cesfurde, warden of the Middle March, with the assistance of a nobleman of the Privy Council, baron or gentleman. To this effect, the Justice-Clerk is ordained to attend the said Court, "to ressave dittay upoun the complaintis that salbe maid be quhatsumevir personis that hes ressavit skaith or injurie within the said Middill Marche"; and proclamation is to be made at the market crosses of Jedburgh, Hawik, Selkirk, Peblis, and other places necessary, commanding all persons "that hes to do, persew, follow and defend at the said justice court" to be present at the same, and those who have "dittayis and complaintis to mak" to give in the same to the Justice-Clerk or his deputies at Jedburgh on the appointed days, "to the effect the personis complenit upoun may be arreistit and warnit to the said courte in dew tyme."

A Justice Court to be held at Jedburgh.

Complaint by Eufame M^{c}calyeane, and Patrik M^{c}calyeane, her spouse, for his interest, as follows:—She and her predecessors have been for many years in possession of the lands of Quhytehous, with the manor place thereof, adjacent to Sanct Gelisgrange, beside the burgh of Edinburgh, "quhill that laitlie, upoun the xxv day of December last bipast, the provost, baillies and Counsall of Edinburgh wranguslie, by all ordour,

Euphame Mackcalyean, and Patrick Mackcalyean, her spouse, against the provost and bailies of Edinburgh.

rasit and liftit thair haill pestilent personis being upoun the Burrowmure of the said burgh, and hes imputt and intrusit thame in the saidis landis of Quhytehous and houssis thairof." They detain them there, "thinkand thairby to mak the saidis lands and houssis thairof . waist," and to deprive the complainers of the rents and duties of the same, extending yearly to 400 merks. Remedy is urgently required, because the season of tilling and sowing land "approcheis and is at hand, and will pas ouer schortlie, gif thair saidis landis and houssis thairof be not purgeit haistelie of the saidis pestiferous personis."—Williame Fairlie and Johnne Wilkie, bailies of Edinburgh, appearing to answer this complaint, and Patrik M°calyeane appearing for himself and his wife, the Lords ordain the said provost and bailies "to remove the saidis pestiferous personis, thair baggage, guidis, and geir furth of the saidis houssis, and mak the same sufficientlie purgeit and clene of the said pest," within 20 days, or else to satisfy the complainers for the skaith sustained by them in this matter, with proviso that "thir presentis sall not induce a preparative be astricting of the said hous to the use foirsaid quhenevir the like occasioun sall happin to fall oute heireftir." Acta 1585-87. Fol. 33, a.

Edinburgh, 9th Feb. Caution for William Rhind of Kerse.

Caution by Mr Johnne Ogilvy, son and apparent heir of Gilbert Ogilvy of that Ilk, for Williame Rynd of Kers, that he will not harm Johnne Lindsay of Blaryfeddane, David Lindsay, his brother, or their dependents, under the pain contained in the letters of action.

Holyrood-house, 10th Feb.

Sederunt—Angus; Orknay; Thesaurarius; Secretarius; Newbottle; Culros; Pluscardin; Murdocarny.

In the matter of the duties of Ker of Cessford, warden of the Middle March, in the apprehension of rebels.

Williame Ker of Cesfurde, warden of the Middle March, has been "oftymes gritelie hinderit in the executioun of his office be sindrie extraordinar letters usit and execute upoun him for apprehending of sum personis denunceit his Majesteis rebellis and putt to the horne at the instance of divers particular parteis," although the apprehension of such persons and execution of such letters are the proper business of "the shereffis, steuartis, provestis and baillies of burrowis," and not of the said warden, whose office is not, and never was, burdened with "ony actioun criminale or civile concerning particular personis, saulffing in materis tuicheing redress of attemptatis committit to the apparent brek of the peax, in quhilk cais he is subject to apprehend fugitives for releiff of his Majestie and his realme at the handis of the opposite wardane, and na uthirwayes." It is therefore ordered that no letters or charges shall in future be directed by any particular persons for apprehending rebels denounced at their instance until the said warden shall be warned "to heir the saidis letters gevin, that, gif it beis fundin he hes ony ressonable caus to propone in the contrare, he may be exonerit thairof," and the ordinary ministers of the law "burdynit thairwith." There is to be proclamation of this at Jedburgh, Hawik, Selkirk, and Peblis.

Acta 1585–87. Caution by Robert Semple, fiar of Fouluode, for Margaret Brache in 400 merks, and for Thomas Alasoun, her son, in 100 merks, that they will not injure Johnne Stewart of Rosland, his tenants or servants. Edinburgh, 12th Feb. Caution for certain persons.

Fol. 33, b. Caution by Johnne Ogilvy, son and apparent heir of Gilbert Ogilvy of that Ilk, for Thomas Ogilvy, burgess of Dundee, to the same effect as in the caution of the 9th instant.

Sederunt—REGE PRESENTE—Angus; Mar; Episcopus Sanctiandree; Episcopus Orcadensis; Thesaurarius; Secretarius; Computorum Rotulator; Dunfermling; Clericus Justiciarie; Blantyre; Culrois; Murdocairny. Holyrood-house, 15th Feb.

Complaint of the provost, bailies, and council of St Andrews against the proceedings of certain persons to their detriment in the execution of their commission for the regulation of the city while the Plague is there.

Complaint by the provost, bailies, council, and community of Sanctandrois, as follows:—His Majesty and the Lords of Council, considering "the grite incres and vehement infectioun of the pestilence in the said citie, and the noumer of the personis deceissit, quhairof ane grite part perisheit rather throw laik of thair sustentatioun than of the said plague," and respecting also "the grite desolatioun of the same be removing of the haill substantious gentlemen, burgessis, and uthiris inhabitantis thairfra to escaip the said plague, levand the toun and the pure thairin destitute of all conforte and provisioun for thair sustentatioun," had directed letters charging the provost, bailies, and council of the said city "to chuse certane honnest personis of gude conscience within the same to mak ane stent roll, and, according to the same, to charge the personis stentit for pament-making to thame of thair pairtis of the said taxt within xv dayis nixt eftir the charge, etc., and, gif thay failyie, to denunce." Since this commission had been given "certane personis, mair respecting thair awne particulariteis nor the commounweill of the said citie,—namelie, David Wemys, Alexander Winchester, David Balfour, Johnne Walwode, Mr Martine Geddie, Williame Moffatt, Alexander Carstairis, James Robertsoun,—be wrang narratioun and informatioun of his Majestie and his Prevey Counsall, hes purchest letters, allegeing that the saidis taxatouris hes stentit thame and certane uthiris abone thair habilitie, and hes usit extraordinar dealing in compulsioun of the personis disobedient, be breking up of the duris of the houssis within the toun, inricheing thameselffis thairby and depaupering of sindrie personis," and alleging also that, "undir cullour of the same commissioun, thai have prescrivit statutis and lawis, and amangis uthiris that na persoun not willing to pay his pairt of the said taxatioun sal have interes in the toun befoir that he have satisfeit the upliftaris of the said taxt." By this narrative "thay have obtenit the said commissioun suspendit and quhatsumevir chargeis past thairupoun, abstracting thairthrow all authoritie frome the saidis commissionaris upoun personis disobedient infectit with the said plague, to the confusioun of all ordour aud reull within the toun, chargeing lykwayes the personis quhometo the said commissioun wes directit to mak compt and rekning to thame of the soumes alreddy collectit, and how the samin is bestowit to the effect

specifiit in the said commissioun, undir the pane of rebellioun and putting of thame to the horne." This pain they are putting, or intend to put, in execution, and the complainants submit that this is most unjust, inasmuch as, "thay having obtenit commissioun for the caussis abonewrittin," and, his Majesty having referred the business to their own judgment and discretion, "thay wer comptable allanerlie to his Majestie and his Prevey Counsall, and befoir the granting of ony sic letters thay aucht to have bene callit to have hard and sene the same decernit." Nevertheless, "thay ar content to mak compt and rekning of quhatsumevir thair intromissioun to ony his Majestie pleis appoint, the plague ceassing and that saulflie every ane may repair to uthir without hazard or dangear of thair lyves; in respect quhairof, and gif thai presentlie abstract thameselffis or remane out of the toun upoun sa lycht ane occasioun, the plague as yit continewing within the bounds of the same, it may turne to the grite hurte of the pure and uthiris induellaris within the toun." In conclusion, it is represented that "the saidis letters and quhatsumevir following thairupoun aucht and suld be simpliciter suspendit upoun the saidis provest, baillies, [and] counsall of the said citie in tyme cuming."—Alexander Winsister, Mr Allane Martine, James Robertsoun, James Smyth, Johnne Walwode, David Balfour, David Wemys, Williame Moffett, Alexander Castairis, and Mr Martine Geddy having been charged to appear before the Council this day bringing with them the said letters, but only Martine and Castairs now appearing, while the complaining Bailies and Council appear personally, the judgment of the Lords is that the "letters direct for uplifting of the taxatioun of the inhabitantis of the said burgh for support of the pure and indigent personis of the same the tyme of the infectioun thairof with the plague" be put to farther execution in all points, and that the letters obtained by the defenders for annulling the commission granted to the said provost and bailies for uplifting the said tax be simpliciter suspended. Further, "and becaus the remanent personis, alsweill perseuaris as defendaris, wer absent," the 5th day of March next is assigned to both the said parties to appear and hear order taken "anent the complaintis gevin in on ather syde, alsweill perseuaris as defendaris."

Acta 1585–87.

Fol. 34, a.

Protest in favour of Walter Currour and others, accused of riot and assault in the house of the Sheriff of Banff.

Walter Currour of Inchedrour, George Baird, burgess of Banff, Mr Williame Currour, Currouris, his sons, Alexander Currour, James Currour, Johnne Currour, cordiner, James Scott, George Currour, cordiner, all of Banff, George Currour, Johnne Young, servant to the said Walter Currour of Inchedrour, James Ros in Banff, James Currour there, Thomas Baird in the Schawis, [James Paterson], smith in the Bachlay, Williame Nory in Culbinny (Cownnen), Duncane Wilsoun in Culbeuchlay, and George Creichtoun in Moncreiff, have been charged at the instance of Thomas Dempstar of Cushnay, sheriff of Banff, to answer before the King and Council this day to his complaint against them, "tuicheing thair cuming, undir cloude and silence of nycht, upoun the aucht day of Februar last, to the said Thomas duelling hous in Banff, and persewing of

Acta 1585-87. him for his slauchter, and assegeing the said house the space of ane houre, and hurting and wounding of David Schand, Alexander Robertsoun, Andro Stewart, and David Moresoun." The said Walter Currour of Inchedrour now appearing for himself and as procurator for the other defenders, but the said Thomas not appearing, nor any one for him, the said Walter protests that he and those he represents shall not be held to answer to the said compaint till they are newly charged by other letters and their expenses paid.

Edinburgh, 16th Feb. Caution for Thomas, Andrew, and David Sandilands.

Caution by Williame Scott of Abbotishall for Masters Thomas, Andro, and David Sandelandis, sons of the late James Sandelandis, elder, of Sanctmonanis, in 500 merks each, that they will not injure Issobell Strang, relict of the late James Sandelandis, younger of Sanctmonanis, or Niniane Bonar of Keltie, now her spouse, or their tenants and servants.

Caution for Ninian Bonar.

Caution, on the other hand, in £1000, by James, Commendator of Incheffray, for Niniane Bonar of Keltie, that the said Masters Thomas, Andro, and David Sandelandis shall be skaithless of him.

Renewed prohibition of eating meat in Lent.

Fol. 34, b. Proclamation ordered at the market cross of Edinburgh and elsewhere, publishing the re-enactment of the ordinance forbidding anyone "to eat, or slay, prepair or mak reddy for eating, ony kind of fleshe in tyme of Lentren, and upoun Wednisdayis, Frydayis, and Satterdayis heireftir," except such persons as shall obtain a certificate of age, sickness, or infirmity, signed by a physician and two honest witnesses. (For similar orders in the previous volumes see the Indexes under *Lent*).

Holyrood-house, 24th Feb.

Sederunt—Paislay[1]; Secretarius; Neubottle; Blantyre; Coldenknowis; Clericus Registri.

Earl of Crawford and others denounced for non-appearance to answer to a charge against them.

Complaint of Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son, as follows:—Johnne Lindsay, brother of David, Earl of Craufurde, and Andro Pigott, were on 22nd November last put to the horn for non-removal from the complainers' lands of Ballinsho and Wodheid from which they, the said complainers, had been, "throw occasioun of the lait troublis," dispossessed. "At the process quhairof thay have contempnandlie remanit sensyne, takand na regaird thairof; and, thay and thair servandis in thair names still continewand in the possessioun of the landis abonewritten, and kepand the houssis thairof fast," the complainers had obtained letters charging the sheriff of Forfar to remove them and to enter the complainers in the lands. Accordingly, the said sheriff, upon 20th December last, had so entered the complainers, and they had occupied the lands since that date, although molested by the said rebels. "Quha, upoun the xxi day of the said moneth of December, undir cloude and

[1] This is the first appearance of Lord Claud Hamilton, Commendator of Paisley, in the Council since his restoration to his estates and honours by the recent revolution. He returned to Scotland "in the moneth of Januar," says Calderwood (iv. 491), "and gott presence of the King the day after his arrivall at Leith."

silence of nycht, at xii houris at evin, come, with convocatioun of his Majesteis liegis, to the nowmer of xxxiiii personis, bodin in feir of weir, to the duelling place of Ballinsho, and sercheit and socht the saidis complenaris to have apprehendit thame for thair slauchter . quhilk thai had not faillit to have putt to executioun upoun thame gif thay had bene apprehendit; like as, upoun the xx, xxi, and xxii dayis of Januar instant, the saidis personis come, with convocatioun of his Majesteis liegis, to the said place of Ballinsho, and brak up the duris of the houssis thairof, reft, intromettit with and awaytuke the haill insycht plennissing, cornis, guidis and geir being thairintill, to the said complenaris grite hurte and skaith, and on sic sorte persewis the saidis complenaris as thay dar not remane at thair awne duelling houssis for feir of thair lyves, the saidis rebellis in the meantyme being ressett, suppleit and furnist with men and armour be David, Erll of Craufurde, David Lindsay of Barneyairdis, Robert Erskin, fear of Dun, Alexander Murray of Hudderweik, Johnne Pigott of Inche, Johnne Lindsay of Blaryfeddane, David Lindsay, his brother, Walter Lindsay, messinger in Forfar, Johnne Wilsoun, servand to the said Erll, Johnne Strauchane in the Bow, Johnne Spalding of Drumcluin, Johnne Huntar, David Lindsay of Vayne, David Wollin of Wodderat."—The said Earl of Craufurde, Johnne Spalding in Drumclun, Johnne Lindsay of Blaryfeddane, David Lindsay, his brother, Johnne Huntar, Johnne Wilsoun, and Johnne Strauchane, having been summoned to answer, and Henry Ogilvy now appearing for himself and for Johnne, his father, while the foresaid persons cited do not appear, the Lords ordain the said persons to be denounced rebels. Act 1585–87 Fol. 35, a.

Edinburgh, 25th Feb. Caution for David Lindsay of Barnyards and others.

Caution by Robert Erskin, fiar of Dun, in £500 for David Lindsay of Barneyairdis, in 500 merks each for Alexander Murray of Hadderweik and David Wollin of Wodduray, and in 200 merks for Walter Lindsay in Forfar, that the said Johnne Ogilvy, and Henry Ogilvy, his son, their tenants and servants, shall be harmless of them in their bodies, lands, and goods.

Caution for Erskine, fiar of Dun.

Caution to the same effect, in 1000 merks, by David Lindsay of Barneyairdis, and his three associates in the last caution for their surety there, Robert Erskin, fiar of Dun.

Holyrood-house, 3rd March.[1]

Sederunt—Joannes, Dominus Hammiltoun; Claudus, Commendatarius de Paslay; Adamus, Episcopus Orcadensis; Thomas, Magister de Glammis, Thesaurarius; Joannes Maitland de Thirlstane, Secre- Fol. 35, b.

[1] On the 25th of February Mr Thomas Randolph, who had been sent to Scotland on a new embassy from Queen Elizabeth, had arrived in Edinburgh. He had come with special instructions from Elizabeth for the conduct of her affairs in Scotland in the new circumstances brought about by the restoration of the Banished Lords. He was to push on the formal conclusion of that League, offensive and defensive, between the two nations which had been successfully negotiated by his predecessor Wotton at the Convention of Scottish Estates at St Andrews in August 1585 (vol. iii. pp. 760,761), and which the recent Linlithgow Parliament had ratified. For that purpose he was to counteract as much as possible the influence of M. de Courcelles, the French ambassador, who had been in

Acta 1585–87.

tarius; Computorum Rotulator; Blantyre; Neubottle; Pluscardin; Clericus Registri; Coldenknowis; Murdocarny.

To denounce John Wallace of Craigie for non-appearance to answer a charge brought against him by Lord Claud Hamilton and his wife.

Complaint by Dame Margaret Seytoun, and Lord Claude Hammiltoun, her spouse, as follows:—Having been restored from forfeiture by Act of Parliament (1585, c. 21, 26, iii. 383, 396), "thay have gude rycht to the lordship of Monktoun and barony of Dalmelling, and offices of baillierie of the same, quhairof the said Margaret wes in possessioun befoir the troublis and dispossest thairfra throw occasioun thairof. Nevirtheles, Johnne Wallace of Cragy continualie molestis and troublis thame and thair tennentis in the possessioun of the foirsaidis landis, stoppis and debaris thair baillies fra halding of courtis thairupoun, and cumis with convocatioun of his Majesteis liegis bodin in feir of weir to the saidis landis at the courte dayis appointit be the saidis complenaris baillies, and not onlie be way of deid stoppis thame fra halding of courtis, bot haldis the same courtis be himself and his deputis, he having na pouer nor rycht to that effect. And, albeit the saidis complenaris mycht with the like force and convocatioun not onlie resist the said Johnne and his deputis fra holding of the saidis courtis, or molesting or troubling of thair saidis tennentis, bot als use the like forme of doing and oppressioun upoun him, nevirtheles, for the reverence thai beir to his Majestie and his lawis, persuading thameselffis of remeid be his Hienes, thay have abstenit to attempt the same."—Lord Claude Hammiltoun appearing personally, but the said Johnne Wallace failing to appear, the Lords ordain Wallace to be denounced rebel.

Case of Thomas Dempster, Sheriff of Banff, against Walter Currour of Inchdrewer and others.

Complaint of Thomas Dempstar of Quishney, sheriff of Banff, setting forth his wrongs at the hands of Walter Currour of Inchedrour and the other persons mentioned in the previous entry as having come to his house in Banff upon 8th February last for his slaughter, and wounded certain of his servants (*ante*, p. 48). "And yet continewand in his malice," Currour has not ceased to lie in wait for the complainer, "quhairthrow he may not gudlie repair to the burgh of Banff for halding of courtis and ministering of justice to his Majesteis liegis without he be sufficientlie accumpanyit,"—which is not only an injury to himself, but also "to the gritar hurte of his Majesteis liegis having thair actionis and caussis depending befoir him."—Dempstar appearing personally, and Walter Currour appearing also for himself and as procurator for the other defendants, the Lords remit the trial of the complaint to George, Earl of Huntley, lieutenant and justice in the north, or to other judges competent.

Edinburgh for more than a month, with offers from the French King calculated to loosen James's attachment to England and re-attach him to France. To weaken the effects of these offers, Randolph was to discuss the matter of the pension to be allowed to James by Elizabeth, and explain why the promises in that matter had not been yet adequately fulfilled. He was also, however, to press indefatigably the claims already insisted on by Elizabeth for the surrender of the Laird of Fernihirst and for justice on all others concerned with the slaughter of Lord Russell (Calendar of English State Papers relating to Scotland, p. 514, *et seq.*).

Holyrood-house, 4th March. Anent the business of settling the stipends of the clergy for the future.

His Majesty and the Lords Auditors of his Exchequer, "considering that, amangis the articlis laitlie aggreit upoun in conference in his Majesteis presence, it is specialie mentionat that the modificatioun of the commissionaris and moderatouris stipendis and the setling of a steidfull and continewing ordour of the ministeris stipendis salbe remittit to a new conference aucht or ten dayis befoir the nixt Assemblie of the Kirk appointit the xii day of Maii nix to cum," but now taking into account the fact that "sindrie ministeris hes bene awaittand on, cravand thair assignationes of thair stipendis to be maid for the crope and yeir of God j^{m}v^{c}lxxxv yeiris, and to have the same presentlie extractit on the ane pairt, quhilk can not uthirwayes be done presentlie bot according to the forme of the yeiris bigane in the lait troublous tyme," have "thocht rather bettir that the said modificatioun and making and extracting of assignationis suld be differrit sum ressonable space, that travellis may be tane in the meantyme to forme and put in ordour the same assignationis as thai suld [be] setled steidfast and continew in tyme cuming unchangeit fra yeir to yeir, sa fer as posseblie may be, and that the occasioun of the painfull travellis and awating on yeirlie of the ministeris attending for the modificatioun of thair saidis stipendis may be removed and takin away." Accordingly, "that this gude wark may proceid with the greitare celeritie and expeditioun," the King has "ordanit sa mony ministeris as ar now presentlie in the toun, and hes borne charge of commissionaris in the publict effearis of the Kirk and that knawis the cuntreyis, to remane and attend with the Lordis Auditouris of the Chekker quhill the said modificatioun and assignationis be maid and perfyte; and that his Hienes missive letter be directit to the Bischopis and commissionaris absent to repair to his Majesteis chekker with all gudlie diligence to the effect foirsaid, and that the modificatioun and assignationis now to be maid sall not be hinderit nor impedit be ony formar assignatioun of stipendis or uthiris giftis gevin of the superplus of the thridis of benefices or uthiris rentis quhatsumevir of the collectorie of the said yeir and crope, nochtwithstanding ony extractis alreddy gevin oute or letters past thairupoun." Proclamation is therefore to be made at the market crosses of the head burghs of all the shires forbidding all and sundry the lieges "debtbund in payment of the thridis of beneficeis or uthiris rentis of the collectorie" to make payment thereof to any person, "nochtwithstanding ony modificationis, assignationis or giftis alreddy maid of the same of the said crope and yeir of God j^{m}v^{c}lxxxv yeiris, extractis, decreitis or letters past thairupoun, bot to retene the same in thair awne handis as sequestrat quhill the said first day of Maii nixt to cum, at the leist quhill new and speciall directioun pas thairanent frome his Hienes chekker now sittand, eftir the said steidfast ordour salbe avisit and gevin furth, undir the pane of pament of the same ouer agane."[1] Acta 1585–8 Fol. 36, a.

[1] This is the first Council order in the general business of the Kirk since the Linlithgow Parliament of December 1585 (see *ante*, p. 36, footnote). Since that Parliament, however, there had been a conference at Holyroodhouse, with the King's consent, between some of the Privy Council and some of the clergy, on the 17th of February

Acta 1585–87. Caution by Nicholl Carnecroce of , for Alexander Home of Manderstoun, Patrik Home of Rentoun, his brother, James Bour in Auchincraw, Andro Gardner in Graden, Alexander Cousteane in Aytoun, and others of the said Alexander's men, that they shall appear before the justice in the Tolbooth of Edinburgh when required upon 15 days' warning, to underlie the laws for all crimes laid to their charge, under the pains of the Acts of Parliament. Holyrood-house, 5th March. Caution for Home of Manderston and others.

Sederunt—REGE PRESENTE—Joannes, Comes de Mar; Adam, Episcopus Orcadensis; Thomas, Magister de Glammis, Thesaurarius; Joannes Maitland de Thirlstane, Secretarius; Patricius, Magister de Gray; Computorum Rotulator; Clericus Registri; Custos Secreti Sigilli; Collector Generalis; Coldenknowis. Holyrood-house, 9th March.

In the matter of the dispute between the inhabitants of St Andrews and the Provost and Bailies of that city.

Fol. 36, b. Fol. 37, a. Resumed action of the Council and Community of Sanctandrois against the Provost and Bailies of that city for usurpation and malversation (*ante*, p. 42 and p. 47).—The Provost and Bailies appearing personally, as charged, and David Wemys, David Balfour, Alexander Winsister, Alexander Castair, James Smyth, Mr Allane Martane, with certain other inhabitants of the said city, appearing also for themselves and in name of the community, the Lords, after hearing reasons and allegations on both sides, remit the matter to the Lords of Council and Session, who are required to decide the same summarily, without diet, table, or continuation of summonses. In the meantime the said Provost and Bailies are discharged "off all craving, ressaving, or executing of ony letters aganis the saidis complenaris, for ony taxt ellis imposit or to be imposit for the supporte of the saidis pure infectit personis, unto the tyme the comptis of thair bipast intromissioun and collectioun for that use be first hard be Johnne Johnnstoun, callit of Ephingtsoun, or Thomas Aikinheid, burgessis of Edinburgh, Alexander Skrymgeour, burges of Dundee, Williame Flemyng, burges of Perth, and Archibald Melvill, induellar of Dysart, quhome his Majestie and the saidis Lordis hes appointit conjunctlie auditouris of the saidis comptis, to defease and allow as appertenis; be quhome gif it salbe fundin that the saidis Provost and Bailies ar superexpendit, or that of necessitie forder supporte is requisite to the saidis pure infectit personis, the same supporte and superexpenssis may be had, and letters direct for uplifting thairof of the haill communitie and inhabitantis of the said citie, according to the stent roll maid or to be maid, to the same effect, practique, and consuetude observit heirtofore in sic caissis."

1585–86, at which certain heads, involving a continuance of a moderate or limited Episcopacy, had been agreed upon, and farther matters had been referred, with the King's consent, to Synodal assemblies appointed to meet in April, and to a General Assembly to meet in May (see the heads in Calderwood, iv. 491–494). It is to this conference that reference is made in the beginning of the present order; and the order itself exhibits some assiduity on the part of the Council itself meanwhile in considering one form at least of the question of the future arrangements for the Kirk.

Edinburgh, 16th March. Caution for Lindsay of Kinfauns.

Caution in £1000 by James, Commendator of Incheffray, for Hary Lindsay *alias* Charterhous, fiar of Kynfawnis, that he will not harm Johnne Ogilvy of Ballinsho, Henry Ogilvy, his son, or their tenants and servants. Acta 1585–8 Fol. 63, a.

Caution for David Lindsay of Kinnettles.

Caution in 1000 merks by David Lindsay of Kynnettlis, as principal, and Johnne Lindsay of Evelik, as surety, that the said David will not harm the same Ogilvys.

Edinburgh, 17th March. Caution for James Mortimer and others, charged with fire-raising.

Caution by Andro Gray of Dunnynald for James Mortymer, fiar of Cragyvar, in £1000, and for Johnne Mortimer in Schelifeild, and Johnne Mortimar, son of the late George Mortymer, sometime in Auchorteis, in £500 each, that they shall answer, when required, upon 15 days' warning, before the Justice "for the tressonable rasing of fyre and birning of the houssis being upoun the sonny half landis of Auchorteis" in October 1584,—the said James Mortimer, and Alexander King, advocate, relieving the cautioner of the premisses. Fol. 37, a.

Edinburgh, 19th March. Caution for the Commendator of Cambuskenneth.

Caution in 1000 merks by Robert Erskin, apparent of Little Sauquhy, for Adam, Commendator of Cambuskynneth, that David Balfour of the Powis, his wife, bairns, and servants, shall be harmless of him in their bodies, lands, and goods.

Edinburgh, 22nd March. Caution for William Fullarton and Robert Lindsay.

Caution by Williame Murray, burgess of Monrois, for Williame Foullartoun of Ardo and Robert Lindsay of Balhall, in £500 each, that Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son, with their tenants and servants, shall be skaithless of them.

Band relieving the Earl of Morton from custody in Edinburgh Castle.[1]

Registration of the following band, presented by Mr Johnne Russell, advocate, procurator for the persons after specified:—Caution in 100,000 merks by Johnne, Earl of Mortoun, Lord Maxwall, as principal, and Robert, Lord Seytoun, Sir Patrik Vanse of Barnbarrauch, James Douglas of Drumlangrig, and Edward Maxwell, fiar of Lamyngtoun, as sureties, Fol. 37, b.

[1] Morton, better known still by his former title of Lord Maxwell, had, after acting his peculiar part in the late revolution, scandalised the public by falling back upon his Roman Catholic practices. He had "caused sing and say masse openlie in the kirks of Glencludden upon the 24th, 25th, and 26th of December," says Calderwood (iv. 489); and Spotswood's account of the affair is that "Maxwel, puffed up with the victory at Striveling, the praise whereof he ascrived wholly to himself, grew so insolent as that, the next Christmas, taking with him a company of lewd and dissolute persons, he went in procession from Dumfreis to the Colledge Church of Lincluden and caused a masse to be said." Summoned before the Privy Council for this offence, he had been committed to ward in the Castle of Edinburgh; whence he is now released by the present band for less close ward in the town. It had been one of the instructions of Elizabeth to Randolph, her English ambassador in Scotland, to urge James to severe dealings with Morton for his contemptuous display of his Roman Catholic sympathies. It seems to have been thought that his escapade in Dumfriesshire had some connection with attempts, of which there were other evidences, to revive French influence and the cause of Queen Mary in Scotland. Shortly after the present order he had liberty or command to go abroad, and went to Spain.

Acta 1585–87. that the said Earl, on being relieved furth of the castle of Edinburgh, where he is at present in ward, shall immediately repair to the burgh of Edinburgh and keep ward in the same till freed by the King,—the said Mr Johnne Russell, and Johnne Frude, advocate, being appointed procurators for registering this obligation. It is subscribed at Edinburgh Castle, Drumlanrig, Lamingtoun, and Edinburgh, upon 13th, 14th, 19th, and 20th March 1585, before these witnesses: Sir Robert Maxwall of Dynwiddie, Edward Maxwall of the Hill and Johnne Edzaris, servitors to the said Earl, Williame Douglas of Blakatt and James Johnnstoun of Thornik, servitors to the said Douglas of Drumlangrig, James Canone and James Baillie, servitors to the said Maxwall, tiar of Lamyngtoun.

Caution in relief of Vanse of Barnbarroch.

Obligation of relief in the premisses by Sir James Maxwall of Calderwode to the said Mr Vanse of Barnbarroch, and by the Earl of Mortoun and Sir Robert Maxwall of Dynviddie to the said Sir James Maxwall.

Holyrood-house, 23rd March.

Sederunt—Archibaldus, Comes de Angus; Claudus, Commendatarius de Paislay; Thomas, Magister de Glammis, Thesaurarius; Joannes Maitland de Thirlstane, Secretarius; Neubottle; Pluscardin; Coldenknowis; Collector Generalis.

Complaint of the Earl of Morton and some of his dependents against Johnstone of Dunskellie and others, for insurrection and slaughter on the West Borders: Johnstone and the other defendants denounced for non-appearance.

Complaint of Johnne, Earl of Mortoun, warden and justice of the West March and steward of Annanderdaill, Captain Richard Maxwall, Edward Nickle, furrier, and the wives, bairns, and friends of the following persons deceased,—Johnne Maxwall in Barscheill, Thomas M°kbrair, "ensenzie" to the said Captain, James Herrott, sergeant, Thomas Dasoun, corporal, Johnne Litle *alias* Rashen, Alexander Blak, Johnne Diksoun, Ker, Wilsoun, soldiers,—and the remainder of the said Captain's company, as follows:—"Be ordinance of his Majesteis darrest moder and Lordis of hir Prevey Counsall for the tyme, quhilkis ar ratifeit and apprevit sensyne be hisself and Secreit Counsall, it wes appointit, for bettir quieting of the saidis West Bordouris and mair spedy executioun of justice, specialie within the boundis of the stewartrie of Annanderdaill, that the courte thairof suld be oulklie kepit in the tolbuith of Lochmaben upoun the Satterday, and that sic personis inhabiting the said stewartree as wer complenit upoun, dilait, or apprehendit with thift, spuilyie, slauchtar, fyre, and sic uthir haynous crymes, suld be chargeit to be adjugeit eftir the forme prescrivit in the said ordinance, as at mair lenth is contenit in the same, as alsua that, gif ony persoun, of quhatsumevir qualitie or conditioun, maid fray, schoutit, raise or convocat thameselffis in armes, to resist, oppone, or ganesay the said wardane, justice, and stewart foirsaid, thair deputis, or the capitanes and cumpaneyis of horsmen and futemen appointit to be intertenyit be his Majestie to remane on the
Fol. 38, a. saidis Bordouris in ordinarie garrisounis in putting of the decreitis of the said stewartrie to dew executioun, or in sercheing, seiking, and apprehending of tratouris, thevis, rebellis or fugitives, the personis rasing fray, schouting, assisting, or opponing thameselffis as said is, to incur the

panes of tressoun and lauchfull proces and dome of forfaltour to pas thairupoun aganis the contravenaris and thair airis, as the said ordinance of Secreit Counsall beiris." Accordingly, "the saidis courtis of Annanderdaill being oulklie kepit be the said stewart and his deputis, and Johnne Johnnstoun of Castelhill, Andro Johnnstoun in Damheid, and Johnne Johnnstoun in Burne, being lauchfullie chargeit to the saidis courtis, to answer upoun divers pointis of recent thift committit be thame, [they] wer, for thair contumacie, declairit fugitives, and thair names gevin up in roll be the said wardanes deputis to the said Capitane Richard Maxwall and his cumpany of futemen appointit be his Majestie and Lordis of Secreit Counsall to ly in garesoun on the saidis Bordouris for bettir quieting of the cuntrey". By the direction of the said deputies, the said Captain Richard Maxwall had "past with fifty of his cumpany to serche, seik and apprehend the saidis fugitives", when, upon the 10th of February last, "George Johnnstoun of Corry, Thomas Johnnstoun of Finglane, Mungo Johnnstoun in Lokarbie, Martine Johnnstoun in Myreheid, Edward Johnnstoun in Quhais, Will Johnnstoun in Hayhill, Johnne Johnnstoun in Quhyteheid, Andro Johnnstoun, persoun of Tundargarth, Gib Johnnstoun in Pharonie, Cristie Johnnstoun in Mylbank, Andro Johnnstoun in Lokarbie, Johnne Johnnstoun in Caitnan, Pett Moffett in Camnok, Pett Johnnstoun, callit Adeis Pett, Pett Grahame, brother to Rob of Langboddum, Johnnstoun, callit Reid Laird, with thair haill kin, freindis, brethir, bairnis, tennentis, and servandis, with convocatioun of his Majesteis liegis to the nowmer of foure hundreth personis or thairby, bodin in weirlyke and hostile maner, off the speciall causing, sending, devysing, hounding oute, command, assistance and ratihabitioun of Schir Johnne Johnnstoun of Dunskellie, knycht, James Johnnstoun, his sone and appeirand air, Edward Irwing of Bonschaw, Walter Grahame of Nethirbie, Englishman, Will Grahame of Myleis, Thomas and Geordie Grahames, Englishmen, not onlie schoutit, rasit fray, and tuke part with the saidis fugitives, bot alsua maist cruellie and unmercifullie invadit and persewit the said Capitane and his cumpany in executioun of his office and directioun, to the grite contempt of his Majesteis authoritie, with sic crueltie as the like hes nevir bene hard befoir. For, besydis the bluidshed and schamefull slauchter of the personis foirsaidis and divers uthiris of the said capitanes cumpany, thay maist barbarouslie cuttit the throttis of the deid personis with braig knyveis; and uthiris, eftir they wer takin prisonaris, be sum of thame wer murdrest and slane tua houris eftir thair taking; the rest wer spuilyeit of thair claythis, armour and purssis, extending in valu abone fyve thousand merkis; like as the said Capitane wes deidlie hurte and woundit upoun the heid and in the bak, and thaireftir wes takin prisonar and detenit captive in the house of Tundargarth, belangand to the said persoun of Tundargarth." Further, "upoun the Mononday thaireftir, being the xiii day of this instant moneth, the saidis Johnne Johnnstoun of that Ilk, James Johnnstoun, his sone and appeirand air, Eduard Irwing of the Bonshaw, the foirsaidis Grahames,

Acta 1585–87.

Acta 1585–87. Englishmen, and thair pairtie, with the haill surname of Johnestoun, thair freindis and tennentis, to the nowmer of fyve or sax hundreth Scottis and Englishmen, on horse and fute, come to the said hous of Tundargarth, and tuke the said Capitane furth of the same, he being lyand in parrell of his lyff, kaist him on ane barme horse, and transportit him as captive and prisonar with thame to the hous of Bonshaw, quhairin thay yit detene and withhald him, and will not suffir the chirurgeane undir quhais cure he is have acces to him, bot hes spuilyeit James Young, chirurgeane, in his repairing to him, mynding, as weill appeiris, maist schamefullie to murdreis him, at the leist to suffir him pereishe for falt of curing, without spedie remeid be providit."—The said Sir Johnne Johnnstoun of Dunskellie, James Johnnstoun, his son and heir, and Edward Irwing in the Bonsha, had been charged to appear and answer under pain of rebellion; and now, as they do not appear, while the Earl of Mortoun and the other complainers appear by Johne Edzar, their procurator, the Lords ordain them to be denounced rebels.

Fol. 38, b. *Sederunt*—Angus; Paislay; Orknay; Thesaurarius; Secretarius; Clericus Registri; Computorum Rotulator; Custos Secreti Sigilli; Lynclouden, Collector; Coldenknowis; Murdocarny. Holyrood-house, 24th March.

Hard case of the Bailies of Jedburgh in consequence of an order against them obtained by William Ker, with account of feuds in that burgh.

Complaint by the Bailies of Jedburgh as follows:—Williame Ker, son and apparent heir of Robert Ker of Wodheid, having obtained a gift of the escheat of the liferent of all lands belonging to Sir Thomas Turnbull of Bedroull, Walter Turnbull, his son, and Mungo Bennett of Chastaris, had occupied for two years, in virtue of the said gift, the lands and houses of Bedroule, Chastaris, and Halden. Having been dispossessed of the same in November last by the said persons, he had obtained from the Privy Council letters charging the complainers to enter and defend him in the same within three days after the charge under the pain of rebellion; and now, "for thair allegeit disobedience," he "hes alreddy, at the leist intendis, upoun private malice, to caus putt the saidis complenaris to the horne." This, it is represented, is wholly unjust, for various reasons. "Not onlie is thair a deidlie feid and grite inimitie standing unreconsilit betuix the maist pairt of the baillies and inhabitantis of the said burgh on the ane parte and the said Williame Ker on the uthir parte, for the slauchter of umquhile Mr Johnne Ruthirfurde and Williame Howburne, and for the lait slauchter of umquhile Williame Alie *alias* Capitane, within thir thrie monethis committit be the said Williame Ker, his kynnismen and freindis, bot als thair is ane uthir deidlie feid standing likuise unreconsilit betuix ane uthir parte of the inhabitantis of the said burgh, specialie of the surname of Moscrope, and thair assistaris, and the said Schir Thomas Turnbull of Bedroulle, knycht, and his freindis, for the slauchter of umquhile George and Harie Grymislawis, suster sonis to thame of the said surname of Moscrope, committit be the said Schir Thomas, quhilkis ar notourlie knawne be the haill cuntrey; swa that the

saidis complenaris and the maist pairt of the inhabitantis of the said burgh, be ressoun of the saidis deidlie feidis standing unreconsilit, as said is, alsweill with the pairtie perseuar as defendaris, can nawayes gif obedience to the said charge without the perrell and dangear of thair lyveis, quhilk may be socht ather be the ane pairtie or the uthir incais thay pas oute of the boundis and libertie of the said burgh for that effect." Moreover, "the said charge is very extraordinar in the selff, and evill gevin and execute aganis thame, seing thai have nevir bene burdynit with sic a charge of befoir, commanding thame to leif thair awne toun void, and to pas oute of the boundis and libertie thairof, and to putt and hald men in possessioun of landis and houssis liand outwith the samin; quhilk is a charge propir onlie to be execute be the shereff of the schyre quhair the landis lyis, and nawayes belangis to thame, like as thai nor na uthiris magistratis of burrowis hes bene accustumat to putt and hald ony personis in possessioun of rowmes and houssis, except thai ly within thair awne boundis and jurisdictioun." The said charge, therefore, they submit, ought to be suspended simpliciter.—Williame Ker had been charged to produce before the Council the said letters of horning; and now, William Ruthirfurde, called Gray Will, Johnne Alie, Williame Ruthirfurde, maltman, and George Turnbull, bailies of Jedburgh, appearing personally, and the said Williame Ker also appearing, the Lords, after hearing both sides, do suspend the foresaid letters, because the placing and defending of the said Williame in the lands abovewritten properly belong to the sheriff of the shire where the lands lie, and not to the said bailies. Acta 1585-87.

New and comprehensive Revocation of all gifts or grants out of the Thirds of Benefices, &c.

The preamble, after stating that his Majesty had "convenit the Lordis Auditouris of his Chekker for heiring of the comptis of his rentis and ordour-taking with his house and uthiris chargeis necessarlie requiring to be sustenit upoun the saidis rentis," runs on for some space in the very words of previous orders for revocation of grants made out of the Thirds of Benefices, (*e.g.*, the order of September 16, 1578, given in full at pp. 29–31 of vol. iii). Then, after thus reciting the scope of the original Acts reserving the Thirds of Benefices partly for the sustentation of the Kirk and partly for the King's use, and the history of the various abuses that had crept in, and of the efforts to remedy them, the preamble adapts itself more immediately to the present state of affairs, as follows:—"And, albeit the superplus of the saidis thridis, attour the ordinar assignationis for the stipendis of the ministerie, aucht to remane afoirhand and to serve alsweill for stipendis to sic qualifeit personis as God sall raise up fra tyme to tyme worthie to be admittit in the functioun of the ministerie, and to supporte his Hienes in the intertenying and setting fordwart of the publict effearis of his estate, and that it is agreit upoun and thocht expedient this yeir that thair sall a steidfast and continewing ordour be establisheit for sustentatioun of the ministerie in tyme cuming, and that it is alsua appointit that na pairt of the said superplus salbe disponit in pensioun or uthirwayes quhill his Majesteis house and that quhilk necessarlie mon be had to his awne use be first providit for: nevirtheless, throw Fol. 39, a.

Acta 1585–87. the inoportune sute of divers personis, preferring thair awne privat commoditie to the sustentatioun of the ministerie, and his [Highness's] hous, estate and commounweill of this realme, sindrie giftis and pensionis ar grantit and past furth of the said superplus befoir ony superplus be certanely knawne of the crope and yeir of God j^{m}v^{c}lxxxv yeiris instant, with confirmationis in Parliament and oute of Parliament thairupoun, quhilkis nochtwithstanding mycht nor may not be disponit bot for the uses for the quhilkis the same wer grantit and assumit at the begynning; and, forther, it is certane that nather can the saidis steidfast assignationis be maid for sustening of the ministerie, nor ony supporte had to the provisioun of his Hienes use and uthiris the neidfull effearis of his estate, gif the saidis pensionis, giftis and takkis sall stand in force, or that ony assignationis to ministeris have place of the said yeir and crope, except as salbe extractit, gevin furth eftir the date heirof." Then follows the new order thus rendered necessary. It revokes and annuls all gifts granted either by Queen Mary or the King himself out of the thirds, collectory, superplus or common kirks, together with all tacks and assedations set thereof, "alsweill confirmeit in Parliament as utherwayes"; and it ordains the Collector-General to crave, intromit with and uplift for the uses above specified the said whole superplus and rents of the crop and year 1585, "Witsonday and Martymes terms of the same, and in tyme cuming," without respect to any gift or document to the contrary "in ony tyme bigane preceding the date heirof." Proclamation to that effect is to be made at the market crosses of the head burghs, forbidding also the lieges to pay any pension or yearly duty furth of the collectory to any person except the collector or his deputies.

Fol. 39, b. Caution for John Lindsay of Evelick and his son.

Caution by Alexander Bonar of Balgirsho, for Johnne Lindsay of Evelik, and Johnne Lindsay, his son, in £500 each, that Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son, with their tenants and servants, shall be harmless of the said Lindsays in their bodies, lands, and goods.

Edinburgh, 26th March.

Caution to the same effect, in £500, by David Dundas of Priestisinche, for James Lindsay, burgess of Dundee, now in Blaryfeddane.

Caution for James Lindsay.

Caution in £2000 by Johnne Semple of Fuldwode, as principal, and Williame Cunynghame of Polmais, as surety, that Johnne Steuart of Rosland, his tenants and servants, shall be harmless of the said Semple.

Caution for John Semple

Caution in £2000 by Johnne Semple of Fulwode for Williame Lovell, fiar of Ballumbie, that Johnne Lovell of Ballumbie, his tenants and servants, shall be harmless of the said Lovell.

Caution for William Lovell.

Holyroodhouse, 31st March.

Sederunt—Episcopus Orcadensis; Secretarius; Computorum Rotulator; Clericus Registri; Collector Generalis; Blantyre; Murdocarny.

Charge to John Ross of Craigie to render the fortalice of Pitheavlis to Lord Doune.

Johnne Ros of Cragy having been charged to deliver the place, tower, and fortalice of Pettheveles to James, Lord of Downe, or to appear and show cause to the contrary, and having appeared by Mr James Moncreiff,

his procurator, whose reasons have been heard, the Lords ordain the said Johnne to render the said fortalice, "yit as of befoir," to the Lord of Downe within three days after being charged, under pain of rebellion. Acta 1585–87.

Edinburgh, 2nd April.[1] Caution for Anthony and William Stewart.

Caution by Alexander Stewart of Garleis, for Anthone and Williame Steuartis, sons of the late Alexander Steuart of Garleis, that they shall pay to Begis Wyis in Striviling the sum of £215, "for certane furnissing maid be hir" to the late Lord Robert Steuart, prior of Quhitherne, due before his death; 170 merks to Henry Makesoun, "for his fee and uthiris thingis debursit be him in the said Lordis effearis"; and 160 merks to Alexander Galbraith, "for his fee during the space of foure yeiris":—all in case it shall be found that the debts are just. Fol. 40, a.

Holyrood-house, 4th April.

Sederunt—Adam, Episcopus Orcadensis; Thomas, Magister de Glammis, Thesaurarius; Joannes Maitland de Thirlstane, Secretarius; Andreas Wode de Largo, Computorum Rotulator; Ludovicus Bellenden de Auchnoull, Clericus Justiciarie; Magister Robertus Douglas, prepositus de Lynclouden, Collector; Alexander Hay de Eister Kennett, Clericus Registri; Jacobus Home de Coldenknowis.

Protest in favour of Ninian Marshall in Over Pennell and others.

Niniane Marschaell in Over Pennell, Johnne Lindsay in Brigend, Johnne Hair in Pennell, and James How in Over Pennell, having been summoned by Mathow Brisbane of Rosland, and Niniane Roger in Pennell, his tenant, to answer to a complaint of theirs "tuicheing the foirsaidis personis allegeit cuming, be way of hamesuckin, undir silence of nycht, to the said Niniane Rodgeris hous in Pennell, stogging of his beddis, breking up of his duris, sercheing of himself for his bodilie harme and slauchter, and committing of sindrie uthiris crymes," the said Niniane Marscheall, appearing for himself and as procurator for the others, protests that, as they are ready to answer and as the pursuers have not appeared, they shall be held free till they are again warned and their expenses paid.

Caution for George Hamilton in Preston.

Caution in 500 merks by Niniane Hammiltoun in Prestounpanis for George Hammiltoun in Prestoun, that Jonnett Heriott, relict of Captain Johnne Achesoun, and her tenants and servants, shall be harmless of the said George.

Caution for Johnston of Elphinston and others.

Caution to the same purpose, by Mark Achesoun of Achesoun Heavin, for James Johnnstoun of Elphingstoun, Alexander Achesoun of Gosfurde, Johnne Achesoun in the Cannogait, Johnne Johnnstoun, brother of the said James Johnnstoun, in 500 merks each.

Holyrood-house, 5th April. Proclamation of a General Assembly of the Kirk, with declaration thereanent.

As, "at the lait conference betuix sum of the Kingis Majesteis Counsall and of the Ministerie convening be his Hienes directioun, it wes resolvit and thocht expedient that a General Assemblie of the ministerie suld Fol. 40, b.

[1] Between this meeting of Council and the last, *i.e.*, on March 29, 1586, there died *ætat.* 70, the King's great-uncle, Robert Stewart, Earl of March, and formerly Earl of Lennox, memorable for so many reasons, but chiefly as having been the husband for some time of the lady who was now the wife of Arran (see vol. iii. by Index). As he had been nominal Bishop of Caithness since 1542, that bishopric was now vacant.

Acta 1585-87. begin the tent day of Maii nixt for consulting upoun a gude and solide ordour for convocating of the ministerie to General Assembleis thaireftir, and uthiris materis concerning the Kirk of God and his trew religioun within this realme," and as his Majesty intends, God willing, that the Assembly shall meet on the said day, proclamation of the same is to be made at the market crosses of the head burghs, warning "all and sindrie bischoppis, commissionaris of kirkis, and ministeris and uthiris quhatsumevir haveand interes", to attend the said Assembly, at Edinburgh upon 10th May next, and it is declared that the "convening of the said Generall Assemblie sall nawayes be imputt as ony cryme or offence to the personis convening thairto," notwithstanding any laws, Acts of Parliament, or constitutions made to the contrary.

Sederunt—Ut in die predicto.

Holyrood-house, 6th April. Protest in favour of Mr Alexander Forbes and Alexander Forbes.

Mr Alexander Forbes in Carnehill and Alexander Forbes in Fintray, having been summoned at the instance of Johnne Forbes, son of the late Patrick Forbes of Carnhill, to answer "tuicheing thair cuming, bodin in feir of weir, undir cloude and silence of nycht, to the houssis and biggingis of the half landis of Carnhill, hurting and wounding of sindrie of the said Johnes servandis being thairintill, leaving thame for deid, ejecting and outputting of the rest, and intrusing thameselffs in the possessioun of the saidis houssis and withhalding of the same fra the said Johnne," protest that, as they are present and ready to answer, while the pursuers are absent, they shall be free in the matter till they be newly warned and their expenses paid. The protest is admitted.

Edinburgh, 7th April. Caution for Mark Acheson.

Caution in 500 merks by Alexander Achesoun of Gosfurde for Mark Acheson of Achesoun Hevyn, that Jonnett Hereott, relict of Captain Johnne Achesoun, her bairns, tenants, and servants, shall be skaithless of the said Mark Achesoun.

Holyrood-house, 8th April.

Sederunt—Episcopus Orcadensis; Commendatarius de Paislay; Secretarius; Neubottle; Computorum Rotulator; Pluscardin; Culrois; Coldenknowis; Murdocairny.

Margaret Murray against the Laird of Clackmannan, sometime her husband: forfeiture of former caution for him.

The act of caution in £1000 by James Blacader of Tullyallane, and James Murray, fiar of Strowane, for Robert Bruce of Clakmannane, to the effect that Margaret Murray, sometime his spouse, and her servants, should be harmless of him (*ante*, p. 18) has, the said Margaret alleges, been contra-
Fol. 41, a. vened in the following instances:—On 26th October last the said Robert uplifted from Robert Andirsoun, her tenant, 4½ bolls of oats and 3 cane fowls; from Allane Moutray, 10 firlots of oats and 3 cane fowls; from Andro Drysdell, 4½ bolls of oats and 3 cane fowls. On 28th September he uplifted from James Bruce 1 doz. poultry and 25s. penny maill; from Robert Bruce of Widzett 1 doz of fowls and 6s. 8d. money;

from Andro Moreis 1 doz. fowls and 6s. 8d. money; from Patrik Tailliour 6 fowls and 6s. 8d. money; and from Edward Myllar 6 fowls and 6s. 8d. money. The said fermes and duties, it is alleged, belonging to the said Margaret, "like as the arreage, carreage, and service of the personis foirsaidis likwayes pertenis to hir, quha ar dalie troubleit, burdynit, and chargeit with carreage." It is contended, therefore, that the cautioners of the said Laird, by such contravention of the caution, have incurred the said penalty of £1000.—The principal and his two cautioners have been charged to appear this day; and now, Margaret Murray appearing personally, but the defenders failing to appear, the Lords find that the said Act has not been kept, and therefore that the cautioners are liable as aforesaid, and ordain letters of horning, poinding, and distraining to be directed for uplifting the said sum, the one half for the King's use and the other for the complainer's. Acta 1585 87.

Holyrood-house, 10th April. Caution for Hew Crawford of Templeland.

Caution by Williame Carmichaell of Reidmyre for Hew Craufurde of Tempilland, son of Johnne Craufurde in the Schaw, that he shall appear before the King and his Council upon 24th April inst., and answer to the complaint made by Jonnett Bannatyne, relict, and Williame, Hew, Cuthbert, Johnne, Margaret, Helene, and Cristeane Matheis, bairns of the late Adame Mathie, sometime in Kirkland of Afflek, for the "allegeit slauchter of umquhile Williame Mathie, guidsire to the saidis bairnis, and murthour of umquhile Adam Mathie, thair fader."—(See Complaint of November 28, 1584, vol. iii. pp. 707, 708).

Edinburgh, 12th April. Caution for Lord Seton.

Caution in £2000 by Robert, Lord Seytoun, as principal, and Hew Montgomerie of Hessilheid, as surety, that Dame Isobell Hammiltoun, Lady Seytoun, and Williame Seytoun, her son, with their tenants and servants, shall be harmless of the said Lord. Fol. 41, b.

Holyrood-house, 13th April. Caution for the Earl of Morton, that he will appear before the coming Assembly to answer anent his religion.

Caution in £1000 by Sir Johnne Maxwall of Calderwode for Johnne, Earl of Mortoun, Lord Maxwall, "that he sall compeir befoir the Generall Assembley upoun the threttene day of Maii nixt to cum, and satisfie the Kirk for quhatsumevir thing can be laid to his charge anent the heiring of mes, or for ony uthir thing done be him sklanderous to the Kirk," and that he shall in future behave as a dutiful subject. "And, for pruif of the said Erllis bent will to performe the premissis," he will be "content to accept a minister in his cumpany, quhomewith he may confer for his bettir resolutioun in the heid of relligioun."

Sederunt—Ut in die predicto.

Holyrood-house, 15th April. To denounce William Lauder, James Lauder, Charles Bannatyne, and

Complaint by the bailies, council, and community of the burgh of Lauder, as follows:—"Thair said burgh being erectit of ald be his Majesteis maist noble predicessouris of worthie memorie in ane frie burgh, the saidis complenaris and thair predicessouris biggit ane mylne of auld within thair

Acta 1585-87. propir boundis, libertie, and fredome of the said burgh, callit the Commoun Burne Mylne of Lauder, thretty yeiris syne or thairby, and hes bene in continuall and peceable possessioun of the same, be thameselffis, thair myllaris, and servandis in thair names, continualie sensyne." But on the 4th of this month "Williame Lauder, and James Lauder, brethir to Robert Lauder of that Ilk, Charlis Bannatyne, Robert Lauder in the Barnis, and George Cranstoun in Cauldscheillis, be thameselffis, thair complices and uthiris in thair names, be way of manifest oppressioun, all bodin in feir of weir, with jakkis, steilbonnettis, langstaffs, pistolettis and uthiris waponis invasive, prohibite be Actis of Parliament and Secreit Counsall, come to the said complenaris mylne, and thair, wranguslie and maisterfullie, perforce and be way of deid, enterit within the same and houssis thairof, and thair violentlie and perforce dang oute the said complenaris servandis, tennentis and myllaris, thair wyffis and bairnis, furth of the said mylne, swa that thai dar not entir thairin to occupy the same for feir of thair lyves; as alsua maist wranguslie intromettis with thair guidis and geir being thairin, and disponis thairupoun at thair plesure."—The said Williame Lauder, James Lauder, Charlis Bannatyne, and Robert Lauder had been summoned to appear this day, to show cause why they should not be decerned to find caution for the future non-molestation of the complainers, "conforme to the new Act of Parliament"; and now, as they do not appear, while Williame Wodderop, younger, and Charlis Murray, bailies of the said burgh, and Alexander Wilkesoun, appear for themselves and as procurators for the community of the burgh, the Lords ordain the defaulters to be denounced rebels.

Robert Lauder, for non-appearance to answer a charge of attack on the burgh mill of Lauder.

Fol. 42, a. Caution in 100 merks by Nicholl Carncroce for George Cranstoun in Cauldscheillis, that the bailies, council, and community of the burgh of Lauder, with their tenants and servants, shall be harmless of him in their bodies, lands and goods.

Caution in the above matter, for George Cranstoun.

Sederunt—Archibaldus, Comes de Angus; Robertus, Dominus Boyd; Thesaurarius; Secretarius; Coldenknowis; Blantyre; Culrois; Murdocarny.

Holyrood-house, 20th April.

Complaint by Williame Douglas of Cavers, sheriff principal of Roxburgh, as follows:—Williame Ker, son and apparent heir of Robert Ker of Wodheid, donator of the escheat and liferent of the lands and houses of Bedroull, Chastaris, and Halden, belonging to certain rebels, having failed in his action against the bailies of Jedburgh to compel them to enter him in the possession of the said lands (*ante*, p. 57), has obtained letters charging the said sheriff to enter him in the same within a short space after the charge, under pain of rebellion; "like as, for his allegeit disobedience, he hes alreddy causit denunce him to the horne." This is unjust, inasmuch as "the said shereff (being knawne unable and sua corpolent as he mycht nocht travell) directit and send Williame Douglas in Cavers, his depute, in his name, upoun the xi day of Marche instant (as the day tryistit and

Douglas of Cavers, as sheriff of Teviotdale, against William Ker, who has obtained letters of horning against him.

appointit be the said Williame Ker," to the said lands, where he and the bailies of Jedburgh waited for the purpose of giving possession as charged from 12 o'clock noon till 4 in the afternoon. The said Williame Ker, however, failed to appear; but at last James Broun in Over Ancrum, his servant, came to the said sheriff-depute and bailies, requesting them to enter and hold him in the said lands and houses in his master's name. Now, the charge "beiring nather in speciall nor generall the name of na uthir persoun to quhome the said possessioun suld be gevin, bot to the said Williame Ker allanerlie, and the said James being alswa demandit gif he had pouer or commissioun in writt to ressave the said possessioun in name of his said maister," and having denied the same, "the said sheref depute thairfore, feiring to exceid the boundis of the said charge on the ane parte and to gif possessioun to ane that had not sufficient pouer to ressave the same on the uthir parte, refusit, at the leist delayit, to gif the said possessioun quhill the said Williame wer present himselff, or send sum uther authorizit sufficientlie with his commissioun in writt to ressave the same." This appears from an instrument subscribed by James Johnstounn, notary. In these circumstances it is pleaded that the letters of horning against the sheriff should be suspended simpliciter.—The said Williame Douglas appearing personally, but Williame Ker failing to appear in answer to a summons to do so and produce the letters, the Lords do suspend the letters till they shall be produced and the said complainer warned of the same. Acta 1585–87. Fol. 42, b.

Edinburgh, 22nd April. Band for Sir John Seton.

Registration of the following obligation, presented by Mr Johnne Moscrop, advocate, procurator for the persons after specified:—Caution in 1000 merks by Sir Johnne Seytoun of Barnis, as principal, and Williame, Lord Hay of Yestir, as surety, that Robert, Lord Setoun, his tenants and servants, shall be harmless of the said principal in their bodies, lands, and goods. Subscribed before these witnesses: Mr Thomas Ogilvy, Nowy Bruce, younger, Williame Hay of Wyndane, and William Hay, called Norland Williame.

Holyrood-house, 22nd April. Caution for Thomas Leckie.

Caution in 500 merks by Thomas Dempster of Cushny for Thomas Lekky, that he shall answer before his judge ordinary for any crimes laid to his charge, and in the meantime desist from using the office of messenger. Fol. 44, a.

Edinburgh, 23rd April. Caution for Lady Seton.

Caution in £1000 by Johnne Hammiltoun of Drumry for Dame Issobell Hammiltoun, Lady Setoun, that Lord Seytoun and his servants and tenants shall be skaithless of her. Fol. 42, b.

Holyrood-house, 25th April. Caution for Mr David Chalmers.

Caution in 2000 merks by Mr David Chalmeris, as principal, and Mr Robert Hepburne, parson of Hauch, and Mathew Finlasoun, apparent of Killeith, as sureties, that Andro Monro of Davachartie, his wife, bairns, tenants, and servants shall be harmless of the principal in their bodies and goods, "and in putting of the letters purchest be the said Andro upoun

Acta 1585-87. the giftis of escheit of certane personis to dew executioun in all pointis according to the ordour and practique of this realme."

Fol. 43, a. Caution in £1000 by Williame Cumyng of Inueralloquhy, Johnne Vaus, son and apparent heir of David Vaus in Leith, and Johnne Irwing of Kynnok, for Coline M^cKenzie of Kintaill, that he shall "remove his coble, fischearis, and nettis fra the fischeing of the Watter of Conane within the sherefdome of Invernes, and desist and ceis thairfra in tyme cuming, conforme to the letters rasit at the instance of Andro, Lord Dingwall, to the same effect, in cais it salbe fundin and declairit that the said Coline aucht to do the same",—the said Johnne Irving becoming bound to relieve the other cautioners of the premisses. Caution for Mackenzie of Kintail.

Caution in £1000 by Johnne Irwing of Kynnok, as principal, and Johnne Vaus in Leith, Johnne Irwing of the Kirktoun of Srachin, and Mr Richard Irwing of Muny, burgess of Abirdene, as sureties, that Andro Monro of Davachartie, his wife, bairns, tenants, and servants, shall be harmless of the said Johnne in executing the letters obtained by the said Andro "upoun the giftis of escheit of certane personis." Edinburgh, 25th April. Caution for John Irving of Kynnock.

Caution in £500 by James Seytoun of Tullibody for Williame Setoun, brother of Robert, Lord Setoun, that he will not harm the said Lord, his tenants or servants. Edinburgh, 26th April. Caution for William Seton.

Sederunt—Angus; Dunfermling; Secretarius; Clericus Registri; Clericus Justiciarie; Pluscardin; Neubottle; Lynclouden, Collector; Coldenknowis; Murdocarny. Holyrood-house, 26th April.

Complaint by Beatrix Cheisholme, relict of Johnne Sterling of Lettir, as follows:—Her said late husband, in consideration of great sums of money received from her late mother, and Mr Alexander Cheisholme, her brother, infeft her, the complainer, before her marriage, in the liferent of the lands and houses of the ten pound land of Lettir and the five pound land of Fol 43, b. Balquharrage, lying within Strivilingshire; which he and she occupied peaceably till his decease in December last. She herself continued to hold the lands of Balquharrage till 11th April last, when she was masterfully ejected by Robert Sterling, eldest son of her late husband, and Williame Sterling, his brother, with their accomplices. They "have intrusit thameselffis in hir haill landis foirsaidis, sawne and occupyit the same be way of deid, reiff, and oppressioun of the said complenare, ane puir wedow, thair moder in law, and perseveris in thair wicked malice and oppressioun."—Robert Sterling had been summoned to appear and answer; and now, the complainant and he both appearing personally, and he confessing that the complainant did possess the said lands and houses, "with her said umquhile spous afoir his deceis," the Lords ordain him to find caution to repossess the complainant in the said lands and houses within ten days, under pain of £500. He is also charged by the macer of Council to remain in Edinburgh till he has found such caution. Beatrix Chisholm against her step-son, Robert Stirling.

To denounce Mungo Kirkton and others for non-appearance to answer a charge of Lady Fernihirst and one of her tenants.

Complaint by Dame Katherene Ker, Lady Pharnyhirst, and James Scott in Craling, her tenant, as follows:—Upon 19th November last, Mungo Kirktoun of Fairnytoun, Johnne, George, and Williame Kirktounis, his brothers, and Johnne Kirktoun in Denesyde, with their accomplices, came to the lands of Craling, belonging to her in conjunct fee and liferent, "quhair the said James Scott, hir said tennent, wes gangand at hir pleuch, teilland and labourand the ground of the samin." There they not only "maist cruellie and unmercifullie invadit and persewit him for his slauchter, hurte and woundit him in divers pairtis of his body, to the effusioun of his blude in grite quantitie, in parrell of his lyffe," but also "maist schamefullie hocheit and slew three of the oxin gangand in the said pleuch, pertening to hir and hir said tennent, and avowit and minassit to have his lyff, gif he wer fund labourand they landis thaireftir." The said lands "hes lyne waist continualie sensyne, and na man dar labour nor manur the same for feir of thair lyveis."—The defendants having been summoned to answer "for this insolence and shamefull oppressioun," but not appearing, while the complainers appear by Johnne Hume, son natural of James Home of Coldenknowis, their procurator, the Lords ordain the defendants to be denounced rebels. Acta 1585–87.

Holyrood-house, 29th April.

Sederunt—Episcopus Orcadensis; Thesaurarius; Secretarius; Dunfermling; Clericus Registri; Computorum Rotulator; Clericus Justiciarie; Coldenknowis; Custos Secreti Sigilli; Lynclouden, Collector; Neubottle; Pluscardin; Murdocarny. Fol. 44, a.

Timothy Cagnioli against the Earl of Cassilis and Thomas Kennedy, his tutor, for use of improper means to avoid payment of an obligation incurred originally by the Earl's grandfather.

Complaint by Timothie Cagnioly, as follows:—The late Gilbert, Earl of Cassillis, grandfather of Johnne, now Earl of Cassillis, had been "furnist in his tyme be the said Timothie, to his grite honnour and advancement, in the pairtis of France, upoun his obligatioun, to the sowme of sax thousand sevin hundreth and xx li Scottis money." Both that Earl and also his son Gilbert, the late Earl, having died without satisfying the obligation, "the said Timothie wes forceit at lenth to persew the ordour of law aganis the said Johnne, now Erll of Cassillis, and Thomas Kennedy of Culyeane, his tutour, for his interes, befoir the Lordis of Sessioun, and obtenit befoir thame ane decreit of translatioun of the said first obligatioun in the said present Erll and his Tutour, passive with letters in the foure formes thairupoun, and causit use the same upoun him and his Tutour foirsaid." This he had done, however, "alwayes with grite lenitie and superseidment of tyme, delayand verie oft upoun fair promissis the utter executioun of the horning, quhill that he undirstude na maner of promeis kepit, bot the said Tutour to deale with him be fair wordis onlie to delay, without keping ony promeis." At length, "quhenas the said Timothie had grantit him sindrie ressonable termes for sa mekle of the said sowme as restis of the said obligatioun," nothing remained but to use the ordinary process of law. The complainant, accordingly, had caused the defendants to be denounced rebels and put to his Majesty's horn, "in hoip

Acta 1585-87. thairby that thai, being sa notable personageis, suld have takin, as become thame, sum respect and feir thairof, and suld have done to the said complenare that become thame, not onlie of the law bot of verie deuitie, he being now ageit and subject to sic infirmitie that almaist he keip the bed, and swa beneficiall in his furnissing and delaying of extremitie to thame." But, "thay taking na regaird thairof, the said Tutoure, for the first eftir he wes denunceit, he interprisit ane new fassioun of delay, that, gif ony semple man had interprisit the like, it had bene to the dangear and hasard of his lyff: To witt, the said Tutour causit ane man cum to the said Timotheis duelling place in Edinburgh, not being ane messinger nor officiar of armes, as the copy quhilk he left thair beiris, and summond him to have comperit the sevint day of Januar befoir the saidis Lordis of Sessioun in the lxxxiiii yeir of God, to have hard his letters suspendit, and suspendand the same in the meantyme to ane certane day thaireftir; as gif it had bene ane letter past be the ordour and delyverance of the Lordis of Sessioun." Thus, "the said Timothie being ane semple man," and others "of bettir jugement in thay caussis" thinking the letter had been "ordourlie past," and insisting to that effect, "quhenas thai delayit to gett the same callit be the copie, and being callit at sindrie dietis, the said Tutour and his procuratour comperand, thay maid defence in the caus, being callit upoun the said Timotheis copy, as gif thay had ane principall letter, quhilk wes nocht, albeit affermeit in sa fer as thay maid defence being callit upoun the copy, bot verie unhonnestlie and inordourlie devysit, as said is." All which "cumand to knawledge, and that he culd not prevaill be this unlauchfull meane, the said Tutour hes, be craft, moyane, sinister and wrang informatioun, obtenit ane letter of his Majestie, undir his subscriptioun and signet, for relaxing of the said Erll, and him as his Tutour, fra all horningis led upoun thame at the instance of quhatsumevir personis for ony debt or caussis contractit of befoir simpliciter, bot onlie be the bairnie and him his Tutour, discharge-ing all horningis and captionis upoun thame, quhairby be that generall thay intend alluterlie to prejuge the said complenare of payment of the rest of the said sowme, he being ane ageit man, seiklie and impotent as said is, and that being ane grite pairt quhairupoun he mon mak his
ol. 44, b. interteniment." It is pleaded, therefore, that his Majesty's said letter ought to be suspended as null from the beginning.—Thomas Kennedy, the Tutor, having appeared, according to summons, to answer this complaint, and the complainant being represented by James Curll, his procurator, the Lords do suspend the said letters of relaxation simpliciter, declaring the horning and caption obtained by Timothie to be as valid against the said Earl and his Tutor as if the letters of relaxation had never been granted, because they were "privilie and sinisterlie purchest, aganis the Actis of Parliament and lawis of this realme, to the hinderance of justice."

To denounce the Master of Yester for refusal to sub-

Although Williame, Lord Hay of Yester, on the one part, and Johnne Stewart of Tracquair, on the other, have, as requested, subscribed mutual assurances in favour of each other, yet Williame, Master of Yester, son of

scribe an assurance to Stewart of Traquair.

the said Lord, although also commanded to subscribe the same for his part, "quhairthrow travellis mycht have bene tane for removing of the present variance and contraversie standing amangis thame," has hitherto refused. He had been charged to subscribe within three days after the charge, or else to appear and shew cause to the contrary; and now, having done neither, he is to be denounced rebel. Acta 1585-8

Edinburgh, 29th April. Caution for John Wemyss.

Caution in £2000 by David Wemys of Drone for Johnne Wemys, son and apparent heir of David Wemys of that Ilk, that Johnne Hammiltoun of Drumry, his tenants and servants, shall be harmless of him.

Edinburgh, 30th April.[1] Caution for John Hamilton.

Caution in £2000 by Johnne Hammiltoun of Drumry, as principal, and Michaell Nasmyth of Posso, as surety, that David Wemys of that Ilk shall be skaithless of the said principal.

Edinburgh, 3rd May. Proclamation in view of a coming meeting of the Commissioners for the Borders of both realms.

Commissioners for both the realms having been appointed to meet upon the Borders on 20th June next, for deciding all matters remitted to them, and doing "all the gude offices thay can for intertenyng of gude peax and amytie quhilk sa lang and happelie hes continewit betuix the twa realmes," proclamation is to be made at the market crosses of Duns, Jedburgh, Hawik, Selkirk, and Peblis, charging all who "hes to follow, persew, and defend befoir the saidis commissionaris" to give in their complaints to the commissioners or their clerk on the 19th of June, "quhairthrow the personis complenit upoun may be deulie warnit and arreistit." Fol. 45, a.

Caution for Mr David Chalmers.

Caution in 500 merks by Mr David Chalmaris, as principal, and Alexander Hepburne of Quhitsum, as surety, that Mr George Monro,

[1] Several incidents of April 1586, the month just ending in the text, deserve to be mentioned here together :—In the beginning of the month the news was that Captain James Stewart (for his title of Earl of Arran was now universally refused him) had obeyed a charge, given him at last, to leave the country, under pain of treason, and had gone either to Kintyre or to Ireland, "to learn to speak Irish," as the English ambassador, Randolph, said jestingly in a letter to England.—In the same month the Earl of Angus was made Warden of the West Borders, in succession to the Laird of Johnston, deceased.—In the same month "Hugh, Erle of Eglintoun, passing out of his owne hous to Stirlane, to a tryst, was besett by the Laird of Robertland and others of the surname of Cunninghame, and slaine. There was great moane made for his slaughter" (Calderwood, iv. 547).—In the same month the Earl of Morton, Lord Maxwell, returned to Scotland from Spain, without licence (see *ante*, p. 54, footnote).—More notable than any of those incidents was the reappearance in Edinburgh on the 15th of April of the notorious Mr Archibald Douglas, who had been an exile in England since January 1580–1, when he had escaped being conjoined for the scaffold with his patron Regent Morton (see vol. iii. p. 340 and footnote). Charged, and on good evidence, with having been concerned very intimately with the murder of the King's father, Darnley, he had, ever since his escape, been a subject of difference between the King and Queen Elizabeth,—the King wanting him to be delivered up, while Elizabeth, though detaining him in a kind of custody, resisted that demand. And now, having given satisfaction to Elizabeth by disclosures of his past concerns with Queen Mary and her affairs, he had returned to Scotland as virtually an agent for England, recommended by Elizabeth to King James. He took up his abode first in the house of the English ambassador Randolph; and, after an interview with the King, in which he contrived to satisfy his Majesty as to his alleged share in the murder, the understanding was that he was to go through the form of a trial, so arranged as to secure his acquittal.

cta 1585-87. chancellor of Ros, his wife, bairns, tenants, and persons "addettit in payment of the fruitis and deuities of the said benefice," shall be harmless, in their persons, lands, and goods, of the said Mr David.

Edinburgh, 4th May. Obligation of relief by Mackenzie of Kintail to his cautioners.

Registration of the following obligation, presented by Mr Thomas Craig, advocate, procurator for Coline M°Kenzie of Kintaill:—Williame Cuming of Inueralloquhy, Johnne Vaus, and Johnne Irwing of Kynnok, having become cautioners for Coline M°Kenzie of Kintaill, that he shall cease from fishing in the waters of Conane if it be found that he ought (*ante*, p. 65), the said Coline hereby becomes bound to keep them skaithless in the premisses. Subscribed at Leith, 4th May 1586, before these witnesses: Johnne Davidsoun, burgess of Edinburgh, Johnne M°Culloch, Alexander M°Clene, Alexander M°Kanzie.

ol. 45, b. Edinburgh, 5th May. Registration of obligation of John Irving of Kynnock.

Registration of the following obligation, presented by Mr Alexander King, advocate, procurator for the persons underwritten.—Caution in 1000 merks by Johnne Irwing of Kynnok, as principal, and David Vaus in Leith, as surety, that Mr George Monro, chancellor of Ros, his wife, bairns, tenants, and persons "addettit in payment of the fruitis of his said benefice," shall be harmless of the said principal in their bodies and goods; Coline M°Kanzie of Kintaill and the said Johnne Irwing becoming bound to relieve David Vaus of the premisses. Subscribed at Leyth, 5th May, before these witnesses: Mr Murdo Murchesoun, parson of Lochalshe, Alexander M°Kenzie, parson of Garloch, Johnne M°Culloch, servitor to the said Coline, Johnne Vaus, son and apparent heir of the said David Vaus, Williame Irwing, messenger, and Archibald Norwall, notary public.

Edinburgh, 7th May. Caution for James Lyon and Peter Wood.

Caution by Johnne Lyoun of Cossynis for James Lyoun, mariner in Leyth, and Petir Wode in the Cannogait, in £200 each, that they shall answer for any crime committed by them.

Edinburgh, 11th May. Caution for Mr George Munro, chancellor of Ross.

Caution in 1000 merks by Robert Ker, younger, burgess of Edinburgh, for Mr George Monro, chancellor of Ros, that Johnne Irwing of Kynnok, his tenants and servants, shall be harmless, in their bodies and goods, of the said chancellor; who, with Mr Johnne Leirmonth, advocate, and Mr Alexander Levingstoun, becomes bound to keep his cautioner skaithless in the premisses.

ol. 46, a. Holyroodhouse, 11th May. Charge to certain persons for the entry of certain Borderers.

The following principals are charged to enter the persons underwritten before the King and Council upon the 24th inst., to answer "tuicheing the releif of his Majestie and his Wardane of the bill and attemptat committit at Preswen" in the month of January 1583:—James Ker, son of the Laird of Greneheid, to enter George Middilmest and Archie Ellott, his servants; Robert Ellott of Reidheuch, to enter Williame Ellott in Hartscarth, his brother, Adie Ellott in the Schaw, Archie Ellott in the Hill, George Symsoun of the Raw, Sym Ellott of the Park, James Ellott

of the Park, Robert Ellott of the Park, David Ellott of Braidley, James Ellott, called the Gyde, James Ellott of the Steill, Johnne Ellott of Heuchous, all tenants and servants of the said Robert Ellott of Reidheuch, for whom he is answerable according to the general band; Andro Ruthirfurde of Hundeley to enter David Middilmest in Grubethauch; Acta 1585.
of Halden to enter Thomas Pringle in Halden; Walter Riddell of that Ilk to enter James Davidsoun in Quhittoun; and Andro Ker of Fairnyhirst to enter Hob Wode at Fairnyhirst Mylne. Farther, the said James Ker and Robert Ellott of Reidheuch are commanded to appear before the Secret Council on the said day, under pain of rebellion, and the said Robert Ellott of Reidheuch, as surety for Will Ellott, called Jokis Willie, is required to enter him on the day foresaid, under the penalty of 1000 merks.

Holyrood-house, 12th May.
The Master of Yester charged to enter in ward benorth the Tay.

Williame, Master of Yester, "being first ernistlie and favourablie requeistit and desyrit be his Majesteis missive letters, and thaireftir commandit and chargeit be his Hienes uthiris letters," to subscribe an assurance in favour of Johnne Stewart of Tracquair, "and the said Williame nochtwithstanding contempnandlie disobeyand, and thairthrow maist heichlie contempnand his Majesteis authoritie and lawis," he was at last, for his dissobedience, put to the horne (*ante*, p. 68). Though still a rebel, he "hantis and resortis to and fra in the cuntrey as gif he wer his frie lieg, accumpanyit with sum of his awne freindis and uthiris perswadit to concur with him; be quhais assistance he intendis, as his Hienes is surelie informit, and as may evidentlie appeir be his behaviour in this cais, to do quhat in him lyis to rais trouble and insurrectioun in the cuntrey, to the brek of his Hienes peace and bringing on of mony inconvenientis, gif tymous remeid be not providit." He is therefore commanded to enter, within six days after being charged, in ward benorth the Water of Tay, and to remain there till freed, under pain of treason.

Holyrood-house, 16th May.
Mackenzie of Kintail to enter in ward. in Blackness.

The King and his Council, "for certane necessar and weichtie considerationis moving his Hienes, tending to the furthering and establishing of his Hienes obedience and the quietnes and saulftie of his peceable and gude subjectis frome birning, reiffis and oppressioun," ordain Coline M^cKenzie of Kintaill to enter in ward in the Castle of Blaknes within 24 hours after being charged, under pain of treason. Fol. 46, b.

Holyrood-house, 17th May.
Peremptory general order anent persons denounced rebels and remaining contumaciously at the horn.

"Forsamekle as it is understand to oure Soverane Lord and the Lordis of his Hienes Prevey Counsall and Chekker that divers of the shereffis, stewartis, baillies, chalmerlanis of his Hienes propir landis, customaris and uthiris ressavaris and debtbound in payment of his Hienes propirte, casualiteis, collectorie and taxationis, othir for non-payment of the sowmes of money, males, fermis, proffittis, customes, kanes, and deuiteis awand to his Hienes, or for non-compering to mak thair comptis in the chekker at the dayis appointit thairto, ar ordourlie denunceit rebellis and putt to the

Acta 1585-87. horne, as likuise sindrie personis, being putt to the horne at the instance of particular pairteis, and the horningis registrat in the shereff buikis and deliverit to the Thesaurare, contempnandly remanis thairat, to the grite contempt of his Hienes and his authoritie, in defraude of the pairteis, to the hinder of the payment of his Hienes rentis, quhairwith his Majesteis house and the necessar effearis of his estate aucht to be sustenit: Thairfoir ordanis his Hienes thesaurare to rais letters and caus intromett and uptak the escheit guidis and dettis of the saidis personis rebellis, males, fermis, proffittis and deuiteis of thair landis and levingis, to his Hienes use for thair contemptioun; and likwayes to call all beneficed personis putt to the horne for the caussis foirsaidis to heir and see thame decernit to have tynt thair lyverentis of thair beneficeis and ecclesiasticall levingis quhatsumevir, for being at the horne attour the space of yeir and day, swa that the same may be presented and conferrit of new to personis qualifeit thairfoir: And als ordanis letters to be direct to charge the saidis personis rebellis, and all uthiris keparis and withhaldaris of thair castellis and houssis, being fortaliceis, to rander and delyver the same to the officiaris executouris of the saidis letters, within nixt eftir thai or ony of thame be chargeit thairto, undir the pane of tressoun. And in lik maner to charge all and sindrie the saidis personis rebellis to pas and entir thair personis in warde within sic particular castellis, townis or boundis, as salbe designit, and within sic space as salbe appointit be the Lordis auditouris of his Hienes chekker, at the directioun of the letters to pas thairupoun, undir the pane of tressoun. And, becaus sindrie of the saidis personis rebellis ar shereffis, stewartis, baillies, chalmerlanis or ressavaris of the Kingis propir landis, or ar provestis and baillies of burrowis, thairfoir commanding and chargeing all and sindrie oure Soverane Lordis liegis duelland within thair jurisdictionis, that nane tak upoun hand to compeir befoir thame, or to persew, follow, or defend befoir thame, or acknawlege thame as his Hienes officiaris, quhill thay be ordourlie relaxt fra the horne: certefeing thame that dois in the contrar thay salbe callit, perseuit and punist as ressavaris, supplearis and intercommonaris with the Kingis rebellis and all thair procedingis salbe declairit null."

Edinburgh, 18th May. Caution for Mackenzie of Kintail.

Caution in 10,000 merks by David Vaus and David Clapen, indwellars in Leyth, for Coline M^cKenzie of Kintaill, at present in ward in Blaknes, that, on being relieved from the said ward, he shall repair to the burgh of Edinburgh and keep ward there till freed.—Deleted by a warrant subscribed by the King and the Secretary at Falkland 6th August 1586.

Holyrood-house, 21st May.

Sederunt—Thirlstane; Blantyre; Neubottle; Coldenknowis; Comptrollar; Murdocairny.

James Mortimer of Craigievar against John Leslie of

Complaint by James Mortimer, younger, of Cragyvar, as follows:— Although he and his predecessors have for a long time possessed the place and fortalice of Auchorteis, "standing upoun the schaddow half landis of

Auchorties and others for forcible seizing of the place and fortalice of Auchorties.

Auchorteis," yet Johnne Leslie of Auchorteis, Williame Beith, Johnne Duncane, and Williame Johnnstoun, his servants, and Alexander Forbes in Auchachir, with their accomplices, to the number of 16 persons, came armed, on 3rd January last, to the complainer's place of Auchorteis, occupied by Johnne Weir and James Mylne, his servants, "and thair violentlie, and be way of deid, reft and awaytuke fra thame the keyis of the said place, enterit within the same, schott thame oute at the yettis thairof perforce, and intrusit thameselffis in the possessioun," intromitting with the whole goods and writs found therein and withholding the same from him as yet.—The said Johnne Leslie, Williame Beith, Johnne Duncane, Williame Johnnstoun, and Alexander Forbes, having been charged to deliver the said place, goods, and evidents to the complainer, or else to appear and show cause to the contrary, and the complainer appearing by Johnne Davidsoun, his procurator, but the defenders failing to appear, the order is that the defendants deliver the said place and its contents to the complainant in as good state as when they were intromitted with, removing themselves furth of the said place, within 24 hours after being charged, under pain of rebellion. Acta 1585-87. Fol. 47, a.

To denounce Adam Montgomery of Braidstane for non-appearance to answer a charge of piracy preferred against him by Thomas Copran of Dublin.

Complaint by Thomas Copran, merchant in Dubline, as follows:—"Some yeiris syne or thairby, he being at his lauchfull trade and trafficque of mercheandice in the north pairtis of Irland, luiking for trouble nor injurie of nane of his Majesteis subjectis, in respect of the gude peax and amitie standing betuix the realmes, nevirtheles, Robert Jamesoun, induellar in Air, haveing ane cumpany and equippage of rubbaris and pyratis in his awne schip, being accouterit and furnist in hostile maner, of intentioun to persew and invade the subjectis of all nationis standing in amytie and freindschip with his Hienes, maist cruellie and be way of piracie perseuit the said complenare and his schip, pilleit and rubbit him of his haill merchandice, guidis and geir, being thairintill, surmonting the soume of tua hundreth pundis sterling, and maid the same lauchfull pray to him, nochtwithstanding the said complenaris cocquett, schawne upoun the haill mercheandice, guidis and geir, being in the said schip. As alsua, tua yeiris syne or thairby, the said complenare being likwayes in his lauchfull trade of merchandice at the north pairtis of Irland, Adam Montgomerie of Braidstane, with uthiris his complices, all rubbaris and pyratis, being occupying the seyis, lykwayes perseuit, rubbit and spuilzeit the said complenare of his schip and haill guidis being thairintill, extending to the sowme of sax hundreth pundis striviling."—Adam Montgomerie having been summoned to answer, but failing to appear, while the complainer appears personally, the order is to denounce Montgomerie rebel. Fol. 47, b.

To denounce John Dunlop for non-appearance to answer in an action for breach of promise of marriage.

Complaint by Johnne Boyd of Bonschaw, and Marioun Boyd, his daughter, as follows:—"Matrimonie being lauchfulie contractit betuix his said dochtir, with his awne avise, and Johnne Dunlop of Halpland, the said Johnne Dunlop, with certane his servandis, wer be ane certane space intertenyit in houshald with the said Johnne Boyd, to quhome alswa ane

Acta 1585-87: grite pairt of his tocher wes pait be the said Johnne Boyd; nochtwithstanding quhairof, and of the lauchfull proclamatioun of thair bandis in thair parroche kirkis, the said Johnne Dunlop causles devertit his mynd, lichtleit the said complenaris dochtir, and maryit ane uthir woman thereftir." The complainants, "finding thameselffs skaythit and dishonnourit," had "resolvit to seik the ordinarie remeid of thair skaith be his Majesteis patent letters," and had accordingly raised summonses against Dunlop before the Lords of Council and Session for restitution of certain sums of money disbursed by Johnne Boyd "in hoip of the foresaid mariage, and preparatioun maid thairfoir, quhilk wes stayed in the said Johnne Dunlopis default, as said is." The summonses and letters had been given to Robert Weddirburne, officer and sheriff in that part, for execution upon the said Dunlop; and, this officer "being cum to his personall presence, and summoning him in his Majesteis name thairwith, upoun the xxiii day of Marche last, the said Johnne Dunlop, upoun [quhat] pretens or occasioun the saidis complenaris knawis nocht, bot rejecting and casting of as appeirit his deutifull obedience and reverence aucht be him to his Majestie, not onlie maist contemptuuslie, proudlie, and unreverentlie spak and utterit divers malicious wordis of his Hienes and his lawis, wofullie struik and dang the foirsaid officiar, executour of the letters abonewrittin, bot als be force and rigour tuke and reft the same principall letters fra him, quhilkis he detenis and withhaldis as yit."—Parties having been summoned, and Johnne Boyd and his daughter appearing by Williame M°Clellane, their procurator, Dunlop, failing to appear, is denounced rebel.

Sederunt—Secretarius; Neubottle; Blantyre; Computorum Rotulator; Clericus Justiciarie; Coldenknowis; Collector Generalis; Murdocairny. Holyroodhouse, 24th May.

Fol. 48, a. Complaint by James Ruthven, chanter of Dunkeld, as follows:—He is continually molested in the possession of his lands and benefice by Robert Creichtoun of Inuernytie, and his sons, Johnne, Williame, James, and Robert. Thus, upon 7th May instant, the complainer being at the Kirktoun of Kinclevin "ressaving his teynd lambis," the foresaid persons "convenit ane grite nowmer of thair freindis, to the nowmer of xx personis, all bodin in feir of weir, and come to the wode of Kinclevin, quhair thay lay at awaitt for him, thinking he suld have cum that way, of sett purpois and provisioun to have slane him; quhilk thay had not faillit to have done wer not be the grace of God he eschewit and past hame ane uthir way." Unless remedy is provided, they will continue to molest the complainer and his tenants and servants.—The foresaid persons haying been charged to appear and to find caution that the complainer should be harmless of them in future, under pain of rebellion, but not appearing, while the complainer appears by Andro Litstar, his procurator, Robert Creichtoun of Inuernyte, Johnne, his son and apparent heir, and Robert and James, his sons, are to be denounced rebels. To denounce Robert Creichtoun of Invernytie and his sons for their non-appearance to answer a charge of molesting James Ruthven, chanter of Dunkeld.

Caution for James Davidson.

Caution by Johnne Davidsoun in Quhittome for James Davidsoun, his son, that he shall answer for the bill of Preswen, relieve the warden "for all attemptatis committit be him," and enter himself when required, under the pain of payment of the said bill. Acta 1585-87.

Sederunt—Ut in die predicto.

Holyrood-house, 25th May. Ordinance for revocation of licences for exporting victuals.

Through "the inoportune and untymous sutes of divers personis", the King has granted certain licences for exporting victuals, flesh, tallow, and other forbidden goods, "althocht the same be expres aganis the lawis and Actis of Parliament, and to the grite hurte of the commounweill, and cheiflie at this present, quhenas thair is grite derth and scairstie of victuallis." The purchasers of the said licences are, "nochtwithstanding, sa schamles that, undir cullour of the same licenceis, thay have alreddy ladyn and intendis to ladyn and transport, in sindrie veschellis, not onlie the victuallis quhilkis grew within this realme, bot als the victuallis brocht within the same from foreyne pairtis, without respect to the present necessitie of the puyr, dangear or inconvenient to follow, bot onlie to thair awne privat gayne and commoditie." The said licences are therefore hereby revoked, as having been "inoportunlie and inordinatlie" obtained; publication to that effect is ordered at the market crosses of the head burghs; and the masters and skippers of vessels are to be forbidden to export the said goods, under pain of confiscation of the same. Also, the provost and bailies of Edinburgh are to "caus diligent serche and inquisitioun be maid" after the persons exporting the said victuals and goods at any port "betuix the Brig of Striveling and Fyfnes and Beruik, on baith the sydis of the Watter of Forth," and to confiscate such goods when found. Offenders are to be committed to ward "in sure firmance" till the King's will be farther declared concerning them. Fol. 48. b.

Ordinance anent Mr Andrew Melville, Mr James Melville, and Patrick Adamson, Bishop of St Andrews.

"The Kingis Majestie and Lordis of Secreit Counsall having consideratioun of the disordourit state of the Universitie of Sanctandrois, occasionat for the maist pairt be the dissentioun and diversitie betuix Patrik, Bischop of Sanctandrois, and Maisteris Andro and James Melvillis, maisteris of the New College within the same, thair favouraris and adherentis, to the grite sklander of the Kirk, divisioun of the said Universitie, and decay of leirning and verteous exercise within the same, specialie of theologie, quhairof the said New College wes appointed to have bene a seminarie within this realme, albeit be occasioun of the said diversitie and variance the ordinarie professioun thairof hes bene discontinewit thir twa yeiris bigane, to the grite encouragement of the adversaris of the trew and christeane relligioun, and alluirment of a grite nowmer of Jesuittis within this realme for the eversioun thairof and the erectioun agane of the antechristeane papistrie condampned be God and his Hienes lawis: For repressing of quhais practises and continewing of the exercise of theologie within the said Universitie in the meantyme, his Hienes, with avise foirsaid, ordanis the said Mr Andro to pas immediatlie to Angus, Mernis,

Acta 1585-87. Perth, and uthir pairtis in the north quhair he may undirstand ony of the saidis Jesuittis to be, confer with thame and travell sa far as in him lyis to reduce thame to the trew and christeane relligioun presentlie acknawlegeit and professit be his Majestie and his haill realme, and, in cais he sall find thame obstinat, to dilate thame to his Majestie and his Secreit Counsall, to be tane ordour with according to his Hienes lawis and Actis of Parliament. Induring the quhilk tyme and travell his Hienes hes dispensit, and be the tennour heirof dispenssis, with his ordinarie professioun and exercise within the said New College, and appointis the same to vaik till his returning: commanding in the meantyme the said Mr James to attend upoun his awne place for instructioun of the youth committit to his cair and teacheing, as he will answer to God and his Hienes. And, to the intent that the said exercise of theologie may be continewit within that Universitie, his Hienes, with avise foirsaid, ordanis and commandis the said Bischop to teiche oulklie twa lessonis of theologie within Sanct Salvatouris College, ane upoun Tuisday and ane uthir upoun Thurisday every oulk, begynnand the first Tuisday of Junii nixt, and swa continewing ay and quhill his Majestie tak forder ordour thairanent, and that but prejudice of his ordinar preicheing to a particular flok, quhairunto he is astricted be the lait conference. And that letters be direct heirupoun gif neid beis, chargeing every ane of the saidis personis to do accordinglie, as thay will answer to his Majestie upoun thair obedience, at thair uttermost charge and parrell."[1]

[1] Fully to understand this ordinance and its implications, there must be a remembrance here of some facts in the lives of the two Melvilles, and in the history of Kirk affairs since the Holyroodhouse conference of February 1585–6 mentioned *ante*, p. 52, footnote: —When Andrew Melville had withdrawn into exile in England, Feb. 1583–4, the principalship and theological professorship which he had held in the New College, St Andrews, since Dec. 1580, had necessarily become vacant. When his nephew, James Melville, followed him into his English exile, in the summer of 1584, there was a vacancy also in the Professorship of Oriental Languages and Divinity in the same college. What superintendence of the college and theological teaching in it there was had then fallen into the hands of Patrick Adamson, Archbishop of St Andrews, the great opponent of the Melvilles and of Presbyterianism. He had continued in the post for a little while during the Arran rule, very unpopular with the pupils of the Melvilles and the partisans of Presbytery; but in September 1584 he had been called to Edinburgh to take the place of the exiled Presbyterian preachers of the town, and to be at the centre of Arran's ecclesiastical administration. Accordingly, in February 1584–5, there had been, by Adamson's advice, an abolition of the theological teaching at St Andrews, and a conversion of the New College into a School of Arts or Philosophy under the Principalship of a Mr John Robertson. On the return of the two Melvilles from their exile, in company with the Banished Lords, they had some difficulty in resuming their old positions at St Andrews, notwithstanding an Act of the Linlithgow Parliament restoring ejected professors, as well as ejected ministers, to their places. "The Plague had dispersed the students," says M'Crie in his *Life of Melville*, "and the New College had been completely disorganised." In these circumstances, Andrew Melville had gone to reside for a time among his old University friends in Glasgow, while James Melville busied himself in Edinburgh, trying to obtain a repeal of the late arrangements for the St Andrews College. In April 1586, however, both uncle and nephew were again in St Andrews, with very important effects from their presence there.—In the beginning of that month the Provincial Synod of Fife met at St Andrews, the first effective ecclesiastical assembly that there had been in Scotland for two years. Mr James Melville preached the opening sermon or exhortation on Romans xii. 3-8, and the close of it was a vehement attack, personal and political, on Archbishop Adam-

Holyrood-house, 27th May. Registration of band for the Earl of Morton.

The following band presented for registration by Johnne, Earl of Mortoun, Lord Maxwell, for himself and as procurator for the sureties underwritten: —Caution by the Earl as principal, and Edward Maxwall, fiar of Lamyngtoun, and Sir Robert Maxwall of Dynwiddie, as sureties, that the Earl and

Acta 1585-87 Fol. 49, a.

son, who was then sitting in the Synod. The consequences, which fill no fewer than fifty-two pages in Calderwood (iv. 495–547) are thus summarised by M'Crie :—"Adamson complained of this injury; but the Synod instantly converted the admonitions of the preacher into formal charges, and put the Bishop on his trial. He at first refused to answer, and asserted that it was his prerogative to judge the Synod, instead of their sitting in judgment upon his conduct. But, after being repeatedly summoned, he attended, and gave in objections to their procedure, accompanied with answers to the charges brought against him. To the charge of having assumed the exercise of an unlawful office he replied that he was ready to maintain the lawfulness of Episcopacy before the General Assembly; and he defended his conduct in overthrowing the Presbyteries by pleading the Acts of Parliament, which he dared the Synod to impeach. He objected, among other things, that the two Melvilles and the Master of Lindsay, as his declared enemies, might not be permitted to sit as judges in his cause; but the Synod allowed them to retain their seats, after they had cleared themselves of malice in the usual way. On this ground Adamson protested and appealed to the General Assembly. Notwithstanding this, the Synod proceeded with the cause, found Adamson guilty, and ordered him to be excommunicated, which was immediately done at their appointment by Andrew Hunter, minister of Carnbee. As soon as the Synod was dissolved, the Archbishop drew up an excommunication of Melville and some other members, which he caused to be read in the church by one of his servants, and then addressed a complaint and appeal to the King and the Privy Council and the Estates."—The King was very indignant at the treatment of Adamson, but thought it best to wait for the turn affairs might take in the General Assembly then about to meet in Edinburgh. That body, the fiftieth Assembly since the Reformation, met on the day appointed, May 10, and held eighteen sessions (Booke of the Universall Kirk of Scotland, pp. 289–313, and Calderwood, iv. 547–584). Much of its time was taken up by the case of Adamson, the result being a compromise by which the Assembly, without condemning the Synod of Fife, removed the sentence on Adamson, in return for a subscription by him to a form of submission, disclaiming all right of supremacy over the Kirk Courts, and promising moderate behaviour in future. The Assembly, however, also discussed for itself the general question of the Polity of the Kirk. In this matter, though much pressure was brought to bear upon the Assembly by his Majesty, both personally and through Secretary Maitland and others, there was a substantial re-assertion of the fundamentals of Presbytery. The doctrine of the superiority of Bishops in point of jurisdiction was decisively rejected; and, though the continuance of the name and a certain superiority of dignity and title to presidency in church courts were allowed, this was only by way of toleration of the inevitable, and "by reason of the King's great importunitie." In the same Assembly there was a careful re-establishment of Presbyteries all over Scotland, so that the whole country, district by district, might be brought under perfect Presbyterian organisation :— The Ordinance in the text came forth just after the close of this General Assembly,—the first copy of it, in fact, being delivered to Mr Andrew Melville as he was leaving Holyroodhouse after an interview with the King in which he had been very graciously received. While James Melville, because he was "seik of the tertian fever," as he himself explains, was to be permitted to return to St Andrews and his duties there, his uncle was not to return, but, under the guise of a complimentary mission into Angus, Mearns, Perthshire, and other northern parts, to look after lurking Jesuits and employ his powers in converting them, was to be effectually "warded" in those parts. The presumed purpose was to stop his Presbyterian activity in St Andrews and leave that city and the theological teaching in it to Archbishop Adamson.—For some time, by this ingenious arrangement, Melville was kept away from St Andrews; but in the following August his restoration to the city and the New College there was brought about, in a rather curious manner, by the cunning and perseverance of the King's favourite hawker, John Irving, who had a tack under the authorities of the New College, which he wanted renewed on favourable terms. After much negotiation on the subject with James Melville, the King allowed Mr Andrew to come to him at Falkland, and sent him back to St Andrews, with an understanding as to the tack (see Autobiography of James Melville, pp. 250–251).

Acta 1585–87. his men shall answer "for all attemptatis alreddy committit be thame in ony tyme bigane aganis trew men" since the last Parliament, held at Lynlythgow on the 10th December last; also, that the said Earl shall enter before the Warden persons for whom he is answerable by the general band, or else shall do his "exact diligence aganis thame conforme to the generall band," under the pains specified in the same; also that, in respect he and his sureties have been freed of their band in 100,000 merks for keeping ward within the burgh of Edinburgh and one mile thereabout, they become bound that the said Earl "sall keip trew warde within the said burgh of Edinburgh and foure myles thairabout," under the penalty of 20,000 merks. Subscribed at Edinburgh, Lamyngtoun, and Tynwell, 12th, 13th, and 14th May 1586, before these witnesses: Mr Archibald M°Clellane, Johnne Edzear, Harbert Maxwall, Charlis Maxwall, Williame Maxwall, and Andro Baillie.

Edinburgh, 27th May. Caution for several Kers and others.

Caution by the following persons, as principals and as sureties, that the principals shall appear upon six days' warning before the King and Council and answer "to sic things as salbe inquirit of thame":—Andro Ker of Greneheid, principal, and Johnne Ruthirfurde of Hunthill, surety, *et vice versâ;* Williame Ker of Ancrum, principal, and Andro Ker of Greneheid, surety; Robert Ker, brother of the said Williame Ker, principal, and the said Williame, surety; James Ker of Lyntulie, principal, and Andro *alias* Dand Moscrope, surety, *et vice versâ;* Williame Kirktoun, officer of the Middle March, principal, and the said Williame Ker, surety. The penalties are to be:—for Andro Ker of Greneheid and Johnne Rutherfurde of Hunthill, either of them, £10,000; for William Ker, 10,000 merks; for Robert Ker and James Ker, either of them, 5000 merks; for Andro *alias* Dand Moscrop and Williame Kirktoun, either of them, 3000 merks.

Holyroodhouse, 30th May.

Sederunt—PRESENTE REGE—Angus; Mar; Thesaurarius; Secretarius; Clericus Registri; Clericus Justiciarie; Lynclouden, Collector; Blantyre, Custos Secreti Sigilli; Murdocairny.

Fol. 49, b.

In re the benefice of Dunse: Mr Peter Danielston against Mr Patrick Gaits and Mr John Bennett: Dispute as to the interpretation of an Act of Parliament.

Complaint by Mr Petir Dănielstoun, parson of Duns, and Johnne and David Humes, portioners of Blacader, his tacksmen there, as follows:—In virtue of the decree obtained by the said Mr Petir against Mr Johnne Bennatt or Mr Patrik Gaitis, declaring him to have the sole right to the said benefice (see vol. iii. p. 723), he has uplifted the fruits and exercised the function of a minister at the kirk thereof "a gude tyme bigane." Lately, however, the said Mr Patrik Gaitis, proceeding upon an Act of Parliament to the effect that, "becaus divers beneficeit personis, within thir twa yeiris preceding the said Act, wer hurte in thair beneficeis be decreitis gevin contrare thame be his Majestie and his Prevey Counsall, and not be the juge ordinar upoun tryall of the caus," therefore, by the general Act of Abolition, "sic decretis suld be of nane availl bot retreitit be the same Act" (1585, c. 21, iii. p. 384), has raised an action before the Commissaries of Edinburgh for rescinding the said Mr Petir's provision, "and consequentlie thinkis to annull quhatsumevir sentence

or decrete obtenit be him befoir the said Prevey Counsall." This, it is submitted, is unjust, "the substance of the said Act being consavit allanerlie in annulling of decreitis gevin in Prevey Counsall anent beneficeit personis within twa yeiris of befoir, quhairthrow the decreit of the said Prevey Counsall, standand unreduceit, may nevir be quarrellit or callit in questioun." Further, "the said Act of Abolitioun, as it proportis, is consavit as ane pacificatioun betuix his Majestie and sic of his liegis as wer foirfaltit and banisheit the realme, and meanis onlie of sic decreitis as wer gevin aganis the saidis personis foirfaltit without tryall of the caus, quhenas, being lying undir dangear of horning, or proces of forfaltour, or uthirwayes upoun sum uthir motive, thay durst not compeir to persew and defend in thair actionis and caussis, and thairfore decreit wes gevin aganis thame for non-comperance; quhairas, on the contrare, it is notourlie knawne that the said Mr Patrik, being nather foirfaltit nor exilit, bot chargeit to compeir befoir his Majestie and his Prevey Counsall, to produce his title of the said benefice to heir and see the same rescindit, comperit alsweill himselff as be his procuratouris, and, eftir divers allegationis proponit be ather of the pairteis, persewaris and defendaris, and dew deliberatioun and advisement of the saidis Lordis of Prevey Counsall, it wes decernit the said Mr Petiris gift to stand effectuall." It is pleaded, accordingly, that the said Act of Parliament "can nevir be interprete to the annulling of the said decrete of Prevey Counsall," and that the said Commissaries "aucht on nawayes to proceid to the annulling of the said Maister Petiris gift" upon the ground foresaid, the interpretatioun of the said Act being "doubtfull and ambiguus," inasmuch as "the same mon be maid plane and opynnit up be sic as aucht and suld interprete the same."— Mr Patrik Gaittis, Mr Johnne Bennatt, and all others having interest, having been charged, by open proclamation at the market cross of Dunse, to appear before the King and his Council to hear the said Act remitted for interpretation to the three Estates in the next Parliament, the fruits of the said benefice sequestrated in the "handis of indifferent personis," and the Commissaries foresaid discharged of all farther proceeding in the action, and Mr Petir appearing for himself and as procurator for Johnne and David Humes, and Mr Patrik Gaittis for himself and in name of Mr Johnne Bennatt, and George Hume of Weddirburne also appearing and being admitted for his interest in the said matter, the King, with advice of his Council, "remittis the said mater agane to the saidis commissaris, ordaning thame to proceid to the discussing of the ressonis, defensis and answeris proponit and to be proponit be all the saidis pairteis, except upoun that pairt tuicheing the said Act of Parliament, as accordis of the law; upoun quhilk Act gif ony of the same pairteis sall insist and clame to be repossest to the said personage and vicarage, or ony pairt thairof, be vertew of the same, that than the saidis Commissaris stay quhill as thay knaw forder of the will and mynd of his Majestie and of the saidis Lordis of his Secreit Counsall in that behalff." Meanwhile George Hume of Weddirburne is to find caution that the fruits and teinds of the said parsonage and vicarage of

Acta 1585–87.

Fol. 50, a

Acta 1585–87. Dunse, intromitted with by him, shall be made furthcoming to the said Mr Petir, or others having right to the same; and the fruits unintromitted with are to remain in the hands of the tenants till decision is given as accords.

Hans Glaid and his partner, Norwegians, against William Downy and George Smalholme of Leith, for the price of a ship.

Action at the instance of Hans Glaid, in Trandhame in Norroway, and Hanis Wannapell, his colleague, burgess of the said burgh, against Williame Downy and George Smalholme, in Leyth:—Upon 5th July 1584 the said William and George acknowledged them to be indebted to Glaid and his colleague in the sum of 400 "gude auld" Dutch dollars or £600 Scots, being the price of a ship named the "Falcoun," with her lastage, ladening, and furniture, bought from them by the defenders, "quhilk thay suld have delyverit in Scotland, the foirsaidis personis furnissand steirmen thairto thameselffis." In lieu of this money, Williame and George had become bound upon their faith "to lay doun and pay in the foir yeir in Birrome to Michaell Jamesoun, writtar, in the castell thair, in Inglis dissoumis of claith or uthiris wairis of the same price and best chape that thay could by it in England"; and, if neither the money nor the wares should be "layd doun and payit," then the said purchasers had become bound to answer to the complainers "for all costis, skaith, damnage and enteress" sustained in consequence. But, although they received the ship and steered her to Abirdene, where they sold her and her ladening, they have neither accounted to Michaell Jamesoun for the price thereof nor for the wares foresaid; "and thairfoir, in thair default, he, beand ane pure strangear, is compellit to cum in this cuntrey to persew thairfoir." His intention had been to bring an action before the provost and bailies of Edinburgh, or the bailies of Leyth, but "the saidis personis hes fraudfullie absentit thameselffs, swa that the said complenare can not apprehend thame to gett souirtie, nor yit gett thame to gett summar justice thairof, as all strangearis aucht to have in ony cuntrey."—Parties having been called, Glaid appears for himself and in name of his colleague Wannapell, with Alexander King as his prolocutor, and the defendants appear also personally, with Mr Johnne Russell as thair prolocutor. In behalf of the defendants, it is alleged by their prolocutor that the said ship was not delivered to his clients as stipulated for in the said obligation, and farther that, being by "contrare windis drevin in the firth of Abirdene," the defenders went "upoun land for doing of sindrie thair necessar effearis," committing the vessel, during their absence, to the charge of the mariners appointed for steering her by the complainers; "quhilkis marineris falling
Fol. 50, b. at stryff and debait amangis thameselffis, be occasioun thairof the said schip wes brokin and maid unable to mak saill, and the saidis Williame Downy and George Smalholme constranit to sell and mak penny thairof at the same tyme, and ressavit onlie thairfore the sowme of foure hundreth markis; quhilk sowme they wer content at all tymes, as they ar yit, to deliver to the saidis Hanis, quhilk thay suld be compellit to ressave as a full satisfactioun to thame for the same schip, seing scho wes brokin in thair default." To this it was answered by the prolocutor for the

pursuers "that that pairte of the said obligatioun tuicheing the delyverie of the said schip wes sufficientlie satisfeit, in respect the same schip wes delyverit to the saidis Williame and George, and thay acceptit hir and wer steirismen of hir thameselffs, be quhome alswa sho wes sauld at Abirdene with hir laidning and the price of hir ressavit be thameselffis," and that, "in sa far as ony damnage or skayth is allegeit to be sustenit be thame in default of the saids Hans Glaid and Hans Wannapell, quhilk thai nawayes grant, thay ar content to find cautioun to be answerable thairfoir." The Lords, having considered these reasons and allegations, together with the obligation foresaid, ordain the defenders to pay to the complainers the sum of £600 Scots, "conforme to the said obligatioun," becaus the said Williame and George accepted the said ship, were steersmen of her, sold her at Abirdene, and applied the price to their own use. The said Glaid, however, is required to find caution to be answerable for the damage sustained by the defenders "in the breking of the said schip" by default, as is alleged, of the mariners put into her by the complainers. Acta 1585–87.

Caution for Robert Melvill

Caution in 4000 merks by James Colvill of Eister Wemys for Robert Melvill, brother of the Laird of Carnbie, that, on being released furth of the Castle of Edinburgh, he shall restore to Williame, Commendator of Pettynweyme, "quhatsumevir ornamentis and jewellis he can allege undeliverit to him be the said Robert" by the 1st July next, or else shall enter in ward again within the said Castle.

Caution for Lord Seton.

Caution in £1000 by James Aldinstoun of that Ilk, for Robert, Lord Seytoun, that he will not injure Sir Johnne Seytoun, his tenants or servants.

Revocation of parts of the lordship of Darnley granted to the late Esme, Duke of Lennox.

The King had annailed and disponed during his minority to his dearest cousin, the late Esme, Duke of Lennox, the lands and mill of Darnelie in which Mr Henrie Keir is at present infeft, and the lands of Darnelie wherein Johnne Smollett is infeft; which lands and mill belong to his Majesty "in propirtie be rycht of ordinar and lauchfull successioun, and particularlie be ressoun of forfaltour." And now his Highness, considering that the said alienation made by him to his said cousin is "to his enorme hurte and lesioun," avails himself of the privilege of revocation accorded by the Acts of Parliament and laws of the country to all minors, and therefore revokes and annuls the alienation of the foresaid lands and mill made by him to his late cousin and his heirs, "togidder with all giftis or assignationis to reversionis of the same," the revocation extending to all things properly comprehended under the same from the decease of the Duke of Lennox; "protesting solempnetlie that the default and want of ony solempniteis requirit in this behalff, gif ony be, be na prejudice to his Hienes anent the said revocatioun." Fol. 51, a.

None to assist or reset the Master of Yester, a denounced rebel.

Williame, Master of Yester, having been denounced rebel upon 10th May inst. (*ante*, pp. 68, 70), order had been given for the surrender of his house and fortalice of Neidpeth and for the pursuit of himself. Accordingly, proclamation is ordained at the market cross of Peblis charging the lieges not to "ryd, gang, assist, mak parte or intercommoun" with the

Acta 1585–87. said rebel, or furnish him with meat, drink, armour, house or "harbory," under penalty of being punished as part and part with him in his rebellion.

Fol. 51, b. The King and Council understand that "sum personis of the surename of Burne, duelland within the Middle Marche of this realme, and uthiris personis, Englishmen, duelland within the Merche opposite, have of lait appointit to entir in ane combatt at ane certane day now schortlie approcheing, upoun sum lycht purpois unknawne to his Majestie and the saidis Lordis, and without licence cravit of his Majestie or of his darrest suster or hir officiaris, as aucht to be in sic caissis." They understand also that "the subjectis of ather of the Marcheis" intend to resort in great number to the combat; "amangis quhome sa mony quarrellis and deidlie feidis being standing, it is to be feirit that upoun this lycht occasioun sum unhappy accident fall oute." All which having been "wyslie foirsene be his Majesteis darrest susteris ambassadour quha laitlie depairtit fra thir pairtis," order and direction have been already given by the said ambassador "as nethir the cheiff interprisaris of this combatt, thair freindis, nor na uthiris within the Englishe Marcheis sall resorte to the place appointit." Accordingly, the said Burnes, and all others the "interprisaris and appointaris" of this combat, are now ordered to be charged personally, and other lieges by open proclamation at the market crosses of Jedburgh, Hawik, Selkirk, and Kelso, not "to entir in combatt" with any Englishman, but to "remane at hame at thair awne duelling place," under pain of treason.[1]

Holyroodhouse, 1st June. Discharge of attendance upon a projected combat between Scots and English on the Borders.

The King had directed several letters to Williame Ker of Cesfurde, warden of the Middle March, ordering him to cause James M^{c}kdowall, his servant, to deliver to Thomas (? Christopher) Grahame, Englishman, "ane broun hors" taken from him at Lammas last, so that his Majesty might be exonerated of his promise made in that behalf to the English ambassador lately resident with his Highness, and to the Lord Scrope, warden of the West March of England. This order "apperis litle or na thing respectit" by the said warden, for he still "schiftis and delayis, and on nawayes will caus deliverie be maid." He is accordingly now charged to cause restitution of the horse under pain of rebellion.

Edinburgh, 3rd June. Ker of Cessford ordained to cause restitution to be made of a horse to an Englishman.

Caution in £100 by Hew Somervill, as principal, and Williame Somervill

Edinburgh, 4th June. Caution for Hew Somervile.

[1] The English ambassador, Randolph, had, a day or two before the date of the present entry, gone to Berwick, to act, under Elizabeth's instructions, as fellow-commissioner with the Earl of Rutland and Lord Eure for a formal completion of the great League between the two kingdoms. In an abstract of a letter of his from Berwick, addressed to Sir Francis Walsingham, dated June 10, or nine days after the present entry, these words occur :—"Disorders in the Middle and West Marches. A fight between the Collingwoods and Bournes prevented. Commendation of Sir Cuthbert Collingwood. General disorder" (Calendar of English State Papers relating to Scotland, p. 523).—One or two of the entries immediately following the present in the Register evidently connect themselves with the design on both sides to keep the two nations in good humour with each other on the Borders while the League was being concluded.

in Strafroude (?), as surety, that the said Hew shall answer before the King and Council to a complaint against him by Johnne Levingstoun of Belstane. Acta 1585–87.

Edinburgh, 6th June. William Ker and others cited before the Council.

Williame Ker, son and apparent heir of Robert Ker of Ancrum, Robert Ker, his brother, Andro Ker of Greneheid, Johnne Ruthirfurde of Hunthill, James Ker of Lyntulie, Andro *alias* Dand Moscrop, and Williame Kirktoun, officer of the Middle March, are cited to appear before the King and Council in the nether tolbooth of Edinburgh upon 9th inst., to answer touching "the quietnes and gude ordour" of the Middle March, wherein they dwell, under pain of rebellion. Fol. 52, a.

Edinburgh, 8th June. Caution for Turnbull of Bedrule and his sons.

Caution in 5000 merks by Williame Douglas of Cavers, sheriff of Teviotdaill, and George Douglas of Bonjedburgh, younger, for Sir Thomas Turnbull of Bedroull, and Thomas and Watt Turnbull, his sons, that, on being released furth of Edinburgh Castle, they shall enter therein again, or appear before the Privy Council, when required, upon six days' warning.

Edinburgh, 10th June. Caution for John Stewart of Rosland.

Caution in £2000 by Johnne Stewart, sheriff of Bute, for Johnne Stewart of Rosland, "ane of the eschearis of his Majesteis inver chalmer," that Johnne Semple of Fulwode, his tenants and servants, shall be harmless of him.

Edinburgh, 15th June.

Sederunt—Archibaldus, Comes de Angus; Robertus, Dominus Boyde; Thirlstane, Secretarius; Adam, Episcopus Orcadensis; Willelmus, Dominus Hereis; Alexander, Commendatarius de Pluscardin; Clericus Justiciarie; Alexander Hay de Eister Kennett, Clericus Registri; Jacobus Home de Coldenknowis, miles.

Edinburgh, 16th June. Caution for John Louriston of that Ilk and others.

Caution by Williame Hammiltoun, burgess of Edinburgh, for Johnne Lourestoun of that Ilk, James Lourestoun, "baxtar," burgess of Edinburgh, his brother, Williame Peblis, James Corstoun in Nethir Crawmond, and Andro Bell in Lourestoun, in £40 each, that they shall answer before the Secret Council upon the 24th inst. to a complaint by Margaret Lourestoun, daughter of the late James Lourestoun of that Ilk,—David Moysie, notary, subscribing for Johnne Lourestoun, James Corstoun, and Andro Bell, "becaus we can not write." Fol. 52, b.

Caution for Andrew Laurence of Pitfour.

Caution in 500 merks by Robert Innes of Innermarky for Andro Lourence in Petfour, that Williame Mure, his tenants and servants, shall be harmless of the said Lourence.

Edinburgh, 17th June. Caution for William Mure.

Caution, on the other hand, in 500 merks, by Williame Mure, messenger, as principal, and Alexander Mar and Johnne Mure, burgesses of Edinburgh, that the said Andro Lourence shall be harmless of the said Williame.

Edinburgh, 18th June. Caution for

Caution in 1000 merks by Johnne Levingstoun of Belstane, as principal, and Johnne Lindsay of Covingtoun, as surety, that Hew Somervill, son of

Acta 1585-87. the late Robert Somervill, his tenants and servants, shall be harmless of the said principal. John Livingston.

Caution in £2000 by Williame Home of Bassinden, Nicholl Carnecroce of Calfhill, and Walter Carnecroce of Lugatt, for Gawine Ellott of the Stobbis, that he shall enter before the Council Robert Ellott of Reidheuch, when required, upon 10 days' warning "eftir the returning of the commissionaris fra the Bordouris." Caution for Gavin Elliot of the Stobbs.

Sederunt—Ut in die predicto. Edinburgh, 19th June.

Complaint by Margaret Blakburne, relict of George Blyth, burgess of Edinburgh, as follows:—Mr Andro Abircrumby of Pettelpie, although denounced rebel upon the 13th April 1584 for his failure to pay to her
Fol. 53, a. the sum of £266, still continues at the horn, "frequentand and repairand, nochtwithstanding, to and fra in all pairtis of this realme as he wer his Majesteis free lege, to the grite contempt of his authoritie and lawis; like as he presentlie remanis in cumpany as a domestique servand with Johnne, Erll of Athoill, be quhome he is intertenyit, mantenit, and kepit in houshald with him, as man and servand, in sic sorte as the said complenare can gett na executioun aganis him be letters of captioun or uthirwayes; quhairthrow sho is liklie to be utterlie frustrat of payment of the said sowme, to the grite hurte of hir and hir pure bairnis, without remeid be providit."—The Earl of Athoill, having been charged under pain of rebellion, to produce the said Mr Andro, to the effect he might be committed to ward and kept there till he made satisfaction to the complainer, and having failed either to do so or to appear and show contrary cause, the Lords order the said Earl to be denounced rebel. To denounce the Earl of Atholl for not appearing to answer a charge of harbouring Mr Andrew Abercromby, a denounced rebel.

The King and his Council understanding that "sindrie inhabitantis of the toun of Nudry, pertening to Schir Johnne Edmestoun of that Ilk, knycht, and Wauchop of Nudry, ar presentlie at Godis plesure infectit with the disease of the pest, amangis quhome gif ordour be not tymouslie tane, as thay may be retenit togidder, furnist of meit, drink, and uthiris necessaris, that in default thairof thay be not movit to pas throw the cuntrey, gritar infectioun sall follow," Edmestoun and Wauchop, as masters and landlords of the town of Nudry, are charged "to caus separat the foull frome the clene personis, inhabitantis of the said toun, appointand the same foull personis to remane in ludgeis in sum commodious pairtis ewest thairto, and the clene personis to remane in thair awne houssis, quhill it sall pleis God kyith forder of his will and plesure towardis thame." To this effect the said landlords are ordered to "appoint sum personis alsweill to big the saidis lugeis as to gif attendance nycht and day, that nane repair fra the pairtis quhair thay salbe appointit to remane, as alsua to furneis and caus be furnist all the inhabitantis of the said toun, foull and clene personis, of meit, drink and uthiris thair necessaris, that in default thairof thay be not movit to wander throw the Edinburgh, 21st June. Charge to Edmeston of that Ilk and Wauchop of Niddry anent the inhabitants of Niddry infected with the Plague.

cuntrey, and forder to appoint and prescrive sic uthir ordour as thai sall think gude for the bettir clengeing and removing of the said seiknes, the personis contravenand the said ordour to punishe and caus be punist to the death, or utherwayes as thay sall think gude, according to the qualitie of the offence." Should any person sustain skaith through the negligence of the said landlords in the premisses, they shall be punished for the same, "with all extremitie." Acta 1585–87.

Edinburgh, 24th June. Order for putting in force the Acts of Parliament forbidding accumulation of victual and the keeping of stacks unthreshed beyond the 10th of July.

Although the Acts of Parliament forbidding all persons to keep victual in their girnals until there be a dearth, commanding all victual beyond what is required for the family to be sold, and inhibiting any to keep stacks in their yards beyond the 10th July under pain of confiscation (see the several Acts 1452, c. 4, ii. p. 41; 1452, c. 5, ii. 41; 1563, c. 6, ii. 538), "have bene oftymes contravenit," yet "pairtlie be the negligence of the officiaris of the Estate, and pairtlie be ressoun of the troublis quhilkis hes intervenit frome tyme to tyme, punishment hes not followit upoun the transgressouris thairof." Hence a great number of his Majesty's subjects "still continewis not onlie in bying of mair victuall than is neidfull for the sustentatioun of thameselffis and thair familie, and in keping of the same in girnellis to a derth, bot als in halding of stakkis in thair barnis and barneyairdis, and cheiflie this present yeir; be the quhilk the derth of victuallis and all uthiris thingis dalie incressis, fosterit and haldin up be the avaricious and unhonnest dealing of sum baxtaris and uthiris inhabitantis of burrowis, quhilkis byis victuall in grite quantitie, kepis and ussis the same as tyme may best serve for thair commoditie and advantage, without respect to the present misery and necessitie of the pure, quha mycht easilie be sustenit, and the derth grittumlie diminissit, gif the stakkis presentlie standing in sindrie barnis and barneyardis, quhairof thair is grite nowmeris, wer now in this seasoun of the yeir threschin oute and presentit to the mercatt, to be sauld to his Hienes subjectis according to the tennour of the saidis Actis." The lieges are therefore to be charged by open proclamation at the market crosses of the head burghs to cause their stacks to be threshed out by the 10th July next, selling the same, together with the victuals in their girnals not required for their own families, in the markets, by the date foresaid, under pain of confiscation. Fol. 53, b.

Dunfermline, 26th June. Proclamation of an armed muster to be in readiness to attend at Peebles for establishing order on the Borders.

Notwithstanding the "favour, mercy, and clemency oftymes heirtofore schawne be his Hienes to the disordourit and disobedient subjectis occupying the cuntreyis ewest the Bordouris foiranent England, in hoip of thair obedient, peceable and gude behavour in tyme cuming, nevirtheles thay ceis not to continew in fyre-rasing, slauchtaris, heirschipis and stowthis, not onlie upoun his awne peceable and gude subjectis, bot aganis the subjectis of his darrest suster and cousing the Quene of England." For remedy, "his Majestie intendis, God willing, othir himselff in propir persoun, or be his lieutennent, to repair, with a force of his gude subjectis,

Acta 1585-87. to his Bordouris." Proclamation is, therefore, ordered at the market crosses of the head burghs of the sheriffdoms of Striviling, Linlythgow, Edinburgh, Hadingtoun, Beruik, Selkirk, Roxburgh, Peblis, Lanark, Dunbartane, Renfrew, Air, Wigtoun, Drumfreis, stewartries of Kirkcudbrycht and Annanderdaill, and bailiaries of Kyle, Carrik, and Cunynghame, charging the fencibles within the said bounds to hold themselves in readiness, properly armed and having 40 days' provisions, to meet the King or his Lieutenent at Peblis, when advertised, upon 6 days' warning.

Fol. 54, a. *Sederunt*—Joannes Maitland de Thirlstane, Vice-Cancellarius ;[1] Adam, Episcopus Orcadensis ; Ludovicus Bellenden de Auchnoull, miles, Clericus Justiciarie ; Alexander Hay de Eister Kennett, Clericus Registri. Edinburgh, 29th June.

Action by Katherene Stewart against Alexander Skene of that Ilk, as follows :—In August 1579 Skene had bound himself to assign to her yearly the sum of £46, 13s. 4d. out of his living at Skene, till the expiry of a three years' tack set to Williame Watt and David Massy of the lands of Aclocht, " quhairunto scho wes providit in conjunct fee, at the outrynning of the quhilk tak scho suld be peacablie possest thairin and continew in possessioun thairof during hir lyftyme, as the securitie and appunctuament maid thairupoun, presentlie in the handis of Mr Williame Davidsoun, advocat in Abirdene, at lenth proportis." This agreement Skene had refused and still refuses to fulfil ; " like as the said Maister Williame postponis and differris to delyver to the said complenare the said appunctuament and securitie to the effect she may persew for fulfilling thairof."—Parties having been summoned, and Katherene Stewart appearing personally, Alexander Skene by David Flesheour, his procurator, and the said Mr Williame Davidsoun by Mr Richard Irwing, his procurator, the Lords, in respect that the said Alexander had been in use to pay the foresaid sum to the complainer during years past, ordain him to pay to her £93, 6s 8d. for the years 1585 and 1586, within 10 days after being charged, under pain of rebellion, " and remittis that part of the foirsaidis letters tuicheing the productioun of the said appunctuament to be persewit befoir the Lordis of Sessioun as jugeis competent thairto." Action by Katherine Stewart against Alexander Skene of that Ilk.

Caution by Andro Chalmer of Wrychthill for Johnne Foullartoun of Dreghorne, that he shall pay to Adam Turbatt, messenger, £4, 11s. 2d. for the taxation of his lands in Kyle Stewart, if it be found that he ought. Edinburgh, 2nd July.

Caution by James Blair of Ladyland, for David Foullartoun of Corsbie, and Margaret Hammiltoun, relict of David Blair of Adamtoun, that they Caution for John Fullarton of Dreghorn and others.

[1] The high office of Chancellor of the Kingdom, held by Arran till his fall, had been declared vacant by an Act of the Linlithgow Parliament in December 1585. Maitland, hitherto Secretary only, had been promoted to the Vice-Chancellorship, and appears henceforth in the Sederunts as *Vice-Cancellarius*, instead of *Secretarius*, till he receives higher promotion still.

shall pay to Adam Turbatt, messenger, collector-depute of the late taxation of Kyle Stewart, the sum which shall be found due by them for their lands lying in the said stewartry. Acta 1585–87.

Edinburgh, 6th July.[1]

Sederunt—Thirlstane, Vice-Cancellarius; Orknay; Paislay; Neubottle; Pluscardin; Clericus Justiciarie; Clericus Registri; Murdocarny. Fol. 54, b.

Action between the Countess of Argyle and the Earl of Huntly as to a right of salmon-fishing on the Spey.

Complaint by George, Earl of Huntley, as follows:—Dame Annas Keyth, Countess of Ergile,—alleging that he and his servants in 1583 not only prevented her fishers "to use the fisheing of ane twa pairt coble and tuelff corukis of salmond fischeing upoun the Watter of Spay," said to belong to her in conjunct fee and liferent, "bot als than onputt his coblis and corrochis upoun the saidis fischeingis, and swa, as is allegeit, molestit hir thairin,"—has, upon her mere narrative given in to the Privy Council, obtained letters by which he is daily charged to find caution in 3000 merks that she and her servants shall be harmless of him in their bodies, fishings, and goods, under pain of rebellion. He is informed that she intends, in virtue of these letters, to put him to the horn. This, he submits, is against justice, inasmuch as the said letters have been granted inconsiderately, in neglect of the common order for finding of lawburrows; which should be given only to a person alleging "the feir of lyff or bodilie harme," and swearing the same to the executing officer "befoir the said officiar mycht use ony executioun aganis the pairtie complenit upoun," whereas, in the Earl's case, the letters were granted "upoun ane semple narrative and allegeance of ane civile actioun, tuicheing the allegeit molestatioun of the said Dame Agnes in the brouking of the saidis fischeingis." Though she claims the fishings, they belong, he contends, to him; and, until the question of right is decided by the Lords of Session, before whom the case is at present depending, "na uthir innovatioun," he says, should be made, although "sho, cautelouslie thinking to forder that

[1] On the preceding day, July 5, 1586, there had been confirmed the great League between the two crowns which had been concluded at Berwick, in the course of June, between the Earl of Rutland, Lord Eure, and Randolph, on the one hand, as Commissioners for Elizabeth, and the Earl of Bothwell, Lord Boyd, and Sir James Hume of Cowdenknowes, on the other hand, as Commissioners for James. The first article stated that, in view of the existing confederacy of Roman Catholic powers in Europe for extirpating the Protestant religion, the two British sovereigns had thought it necessary that the alliance between their kingdoms should be more strict than ever. The second pledged them to use efforts for bringing other Protestant powers into the alliance. The third made the League offensive and defensive as between England and Scotland, all former engagements with other powers notwithstanding. The fourth pledged the two kingdoms to joint resistance to any invasion or threatened invasion of either,—Scotland to furnish an auxiliary force of 2000 horse and 5000 foot, on demand, in case of an invasion of England, to be maintained on the English Queen's charges, and England to furnish 3000 horse and 6000 foot to Scotland, on like terms, in case of an invasion of Scotland. The sixth article provided that, if the invasion should be in the north of England, within sixty miles of the Scottish Border, then Scotland should join all her forces with those of England for repelling the enterprise. The remaining articles were but corollaries of the foregoing, save that the last bound King James to have the present League ratified by his Estates when he should come to the age of twenty-five years, Elizabeth undertaking that the same should then be done by her English Parliament.

Acta 1585-87. caus gif the said Erll wer undir souirtie of lawborrous not to use the saidis fischeingis," had hoped "that it mycht seame or appeir to the saidis Lordis of Sessioun that he had past fra his rycht thairof, and swa be this cautele to gett advantage thairof in his contrare." If such a precedent should be established, allowing any party "haveand the moyane" in a civil action "to gett sic ane charge past to charge the uthir to find souirtie not to molest the complenar in the landis or possessioun libellit," it would be a great hurt to the other party, "not haveand moyane, albeit the best rycht"; and therefore "upoun sic allegeance of civile materis na sic letters nor chargeis for finding of laborrous aucht nor suld be grantit, unles it be joynit thairwith in the narrative that the pairtie complenare feiris the dangear of lyff or bodilie harme of the pairtie complenit upoun." On these grounds it is represented that the said letters should be suspended simpliciter.—Parties having been summoned, and the Earl of Huntley appearing by James Curll, his procurator, and Dame Agnes Keyth by Mr Robert Flesheour, her procurator, the Lords find the said letters granted to Lady Ergile "to be ordourlie procedit," and therefore ordain the same to be put to farther execution in all points.

Fol. 55, a. Caution by Niniane Lowis, burgess of Edinburgh, for James Corstoun in Nether Crawmond and Andro Bell in Lourestoun, in 300 merks each, that Patrik Cornwall, Cristeane Hering, his spouse, and Margaret Lourestoun, daughter of the said Cristeane, their tenants and servants, shall be harmless of the said James and Andro. Edinburgh, 7th July. Caution for James Corston and Andrew Bell.

Williame Ker, son and apparent heir of Robert Ker of Ancrum, Robert Ker, his brother, Andro Ker of Greneheid, Johnne Ruthirfurde of Hunthill, James Ker of Lintulie, Andro *alias* Dand Moscrop, and Williame Kirktoun, officer of the Middle March, to be denounced rebels for failure to appear according to the charge given them (*ante*, p. 82). Edinburgh, 9th July. To denounce William Ker and others.

Caution in 1000 merks by Johnne Lourestoun of that Ilk, as principal, and Williame Hammiltoun, burgess of Edinburgh, as surety, that Patrik Cornwall, Cristeane Hering, his spouse, and Margaret Lourestoun, her daughter, shall be harmless of the said principal. In respect of this act of caution, the said Williame Hammiltoun is discharged of his obligation for the entry before the Council of the said Johnne Lourestoun, James Lourestoun, his brother, William Peblis, James Corstoun in Nether Crawmond, and Andro Bell in Lourestoun. Caution for John Louriston of that Ilk.

Caution by Thomas Seytoun of Northrig, for Williame Young, "chopman" in Hadingtoun, and Johnne Orneill in Coldinghame, in 300 merks each, that they shall stand trial before the Justice in the tolbooth of Edinburgh when required upon 15 days' warning for circulating and exchanging "certane fals and adulterat money apprehendit with thame." Caution for William Young and John Orneill.

Caution by Robert Charterhous, younger, of Auchinstrowane, for Williame, Lord Hereis, and Johnne Charterhous of Amsfeild, that they shall enter Wilkine Johnnstoun of Eschescheillis, Robert Johnnstoun, his Caution for Lord Herries and Charteris of Amisfield.

brother, Williame Johnnstoun, . pilland, David Johnnstoun in Reidhall, James Johnnstoun, his son, Johnne Johnnstoun . is, and James Johnnstoun, his brother, before the King and Council upon 20th July instant, under the pains contained in the Acts of Parliament. Acta 1585–87.

Edinburgh, 11th July. Band by John Menteith and Patrick Imrie.

Registration of the following obligation:—Thomas Seytoun of Northrig having become cautioner for Johnne Orneill in Coldinghame (*ante*, p. 87) Johnne Menteith, burgess of Edinburgh, and Patrik Immerie, become bound to warrant and relieve the said Thomas of his obligation,—Johnne Andro subscribing for the cautioners in relief, "becaus we can nocht write." Fol. 55, b.

Edinburgh, 13th July.

Sederunt—Thirlstane, Vice-Cancellarius; Adam, Episcopus Orcadensis; Pluscardin; Clericus Registri; Culrois.

John Somervile of Cambusnethan against Robert Somervile for avoidance of an old decree of horning.

Complaint by Johnne Somervill of Cambusnethane, as follows:—On the 11th March 1569 Robert Somervill in Newmaynes was put to the horn by a decree of the Lords of Session for non-removal from the complainer's lands of Newmaynes, and he has ever since remained at the horn, acting in every respect as if he were a free liege; "like as, to the forder contempt of his Hienes, and disapointing of the executioun of the letters of captioun rasit and execute upoun sindrie shereffis and officiaris for his apprehensioun, he hes stuffit his place and hous of Newmanis with men, munitioun and victuall, quhairin at all tymes he hes his remaning."—The defendant failing to appear as charged, the Lords ordain him to deliver to the officer executing this charge the place and hous of Newmaynes, and also to enter in ward in Blaknes Castle, within ten days after charge, and remain there till relaxed from the horn, under pain of treason. Fol. 56, a.

Edinburgh, 14th July. Caution for John Lockhart.

Caution by Alexander Nesbitt of Greneholme for Johnne Lokhart in Glennis, that he shall pay to Johnne Wallace of Cragy, bailie principal of Kyle Stewart, or Adame Turbitt, messenger, 26s. 8d. for the taxation of his four pound land of Greneholme, lying within the said bailiary, if it be found that he ought,—Alexander subscribing with his "hand at the pen" touched by John Lokhart, notary.

Caution for Nisbet of Greenholm.

Reciprocal caution by Lokhart for Nesbitt, that he shall pay to either of the same parties 40s. for the taxation of his six pound land of Greneholme if it be found that he ought.

Edinburgh, 15th July. Caution for William Hay.

Caution in 500 merks by Patrik Hay of Petcullane for William Hay of Lynplum, that Jonnett Hathowy, relict of Johnne Hay of Lynplum, her tenants and servants, shall be harmless of Hay.

Band for Thomas Dempster of Cushnie.

Obligation presented for registration by Mr Williame Leslie and Archibald Dempstar, procurators for the parties, containing caution in 1000 merks by Johnne Leslie of Balquhane for Thomas Dempstar of Cushny, that Walter Currour of Inchedrour, his tenants and servants, shall be harmless of the said Thomas. Subscribed at Fettirneir 1st July 1586, Fol. 56, b.

Acta 1585–87. before Johnne Dempstar, apparent of Balvuny, Johnne Leslie of Balcarne, Patrik Luverance, messenger, and Mr Arthour Watt, notary public.

Caution for John Ross of Haining.

Caution by Martine Mure of Middiltoun for Johnne Ros of Hanyng, that he shall pay to Johnne Wallace of Cragy, bailie principal of the bailiary of Kyle Stewart, or Adame Turbatt, messenger, £6, 13s. 4d. for the taxation of his 20 pound land of Hanyng, lying within the said bailiary, in case it be found he ought,—George Campbell, servant of Williame Cunynghame of Caprintoun, becoming bound to relieve the said Martine of his caution.

Edinburgh, 16th July. Caution for James Louriston and William Peebles.

Caution by Johnne Lourestoun of that Ilk for James Lourestoun, baxter, burgess of Edinburgh, his brother, in 500 merks, and for Williame Peblis in 300 merks, that Patrik Cornwall, Cristeane Hering, his spouse, and Margaret Lourestoun, her daughter, shall be harmless of them,—John Andro subscribing for the surety, "becaus I can not write."

Holyrood-house, 20th July.

Sederunt—Angus; Bothuill; Vice-Cancellarius; Episcopus Orcadensis; Neubottle; Culrois; Pluscardin; Blantyre, Custos Secreti Sigilli; Clericus Registri.

Ordinance providing means for reparation of the King's Castles.

His Majesty, being certainly informed of "the grite decay and ruyne of his castellis, palaces, and houssis, and of the skairsitie of munitionis and plennessingis being within the same, quhilkis aucht to be providit for in tyme of peax, and considering how the provisioun requisite to sa grite and necessar a wark salbe had," has resolved, with the advice of his Council, "that the haill fructis and rentis of the haill tua pairt of the haill prelaceis of this realme, quhilkis sal happin to vaik during the space of three yeiris eftir the date heirof, salbe intromettit with and uptakin to oure Soverane Lordis use for the speciall effect befoir specifiit, and that without ony deductioun for first yeiris fructis, fyft penny, monkis portionis, or uthir burding imputt upoun the saidis prelaceis be quhatsumevir lawis, Actis of Parliament, or constitutionis in tyme bigane"; and for sure collecting of the proceeds he appoints Sir James Hume of Coldenknowis, Captain of the Castle of Edinburgh, his chamberlain and factor for intromitting with and uplifting the said fruits and rents for said purpose.

Fol. 57, a.

Assurance executed between the Earl of Morton and others, on the one hand, and Johnstone of Dunskellie, on the other, shall not prevent the pursuit of any of the parties for offences against law.

The King and Council declare that the "persute, slauchtar, hurting and mutilatioun" of any person or persons comprehended in the assurance made between Johnne, Earl of Mortoun, James Douglas of Drumlangrig, and Alexander Jardane of Apilgirth, and their assisters, on the one part, and Sir Johnne Johnnstoun of Dunskellie and his partakers, on the other part, or of any other person dwelling within the bounds of the East, West, and Middle Marches, "quhilkis at ony tyme heireftir sal happin to be tryit to be committit in the tyme of thair thiftuous deidis," shall not be held to be a "violatioun of the saidis assureanceis," but that, on the contrary, the pursuit of the said thieves by the parties abovewritten or others assisting them shall be regarded "as gude and acceptable service to his

Majestie," both the said parties being exonerated of all crime, pain, and action "quhilk onywayes may be imputt to thame thairfoir." Acta 1585-87.

Edinburgh, 25th July. Caution for Cunningham of Caprington.

Caution by Adam Cunynghame of Brownhill for Williame Cunynghame of Capringtoun, that he shall pay to Johnne Wallace of Cragy, or to Adam Turbatt, messenger, his share of three last taxations for his lands in Kyle Stewart, in case it be found that he ought.

Edinburgh, 27th July. Caution for James Stewart, late Chancellor.

Caution by Mathew Fynlasoun, apparent of Killeich, for James Stewart, late Chancellor, that he shall pay to Johnne Wallace of Cragy £5 for the taxation of his ten pound land of Wester Sanquhar and five pound land of Clanir, and 35s. 6d. for his eight merk land of Scheildis, in case it be found that he ought.

Sederunt—Ut in die predicto.

Edinburgh, 29th July. Cunningham of Caprington against Dunbar of Blantyre and his tenants of Enterkine: matter remitted to the next Parlia-

Complaint by Williame Cunynghame of Capringtoun, as follows:—"He intentit actioun befoir the commissar of Glasgow aganis Williame Dunbar of Blantyre, and his tennentis of Enterkin, for the wrangous, violent and maisterfull spoliatioun and awaytaking fra him of certane teindschaves specifiit in the libellit precept direct thairupoun. In quhilk actioun thair being defenssis and ansueris proponit be ather of the saidis pairteis, and probatioun led and deduceit thairintill, thair restis nathing bot to gif furth and pronunce sentence and decrete; and, the said Williame Dunbar perceaving that decrete wald be gevin aganis him in the said complenaris favouris, he meanit him to the Lordis of Counsall, and, upoun allegeance maid be him that his intromissioun with the saidis teyndis procedit upoun occasioun of the lait troublis, and that he wes specialie comprehendit in the lait Act of Abolitioun maid in favouris of the personis movaris of the saidis troublis, obtenit uthiris letters be delyverance of the Lords of Secreit Counsall, quhairwith he causit charge the saidis commissaris to remitt the said actioun of spuilzie persewit be the said complenare aganis him to the Lordis of Parliament." These letters, it is argued, "wer maist unadvysatlie direct and gevin," there having been no due trial of the case nor calling and hearing of the complainer before they were granted. Moreover, the said Dunbar "haveing meanit himselff of befoir to the Lordis of Counsall and Sessioun, and desiring the said actioun to be advocat fra the saidis commissaris . oun allegeance of the foirsaid Act of Abolitioun, the same wes thryse . d commissar," so that, "gif the said Williame culd have groundit ony defence upoun the said Act, he mycht have proponit the same befoir the said commissar. Quhilk he did not, bot, lang eftir the making of the said Act, he comperit and defendit in the said actioun; and, seing all his allegeancis and defenssis repellit, he hes intentit this new allegeance upoun the said Act for his last refuge." The said Act "can nawayes tak away ony just actioun perseuit betuix pairtie and pairtie, nather yit wes the same swa consavit"; and besides, "the said actioun is civile, to the discussing quhairof, or geving Fol. 57, b.

Acta 1585–87. furth of letters aganis the same, the Lordis of Secreit Counsall ar nawayes jugeis competent, nor hes na pouer nor authoritie to that effect. And the spoliatioun of the saidis teindis procedit not upoun ony occasioun concerning the troublis for quhilk the said Act of Parliament wes maid; nather wes it done be way of hostilitie, as assistar and parttakar with the personis specialie mentionat in the same, bot sa maliciouslie and wilfullie, aganis the tennour of uthiris letters of inhibitioun rasit at the said complenaris instance." Further, "it is maist certane that the said Act of Parliament can comprehend na cais quhair violence and hostilitie hes nocht bene usit, and specialie can not comprehend the said complenaris actioun concerning the saidis teindis, being ane particular debt, quhilk the said Williame hes confessit be divers his letters send unto the said complenare, conteining thairinto speciall promeis to satisfie the said complenare thairfoir; quhairof he being altogidder frustrat wes compellit to persew his rycht befoir the juge ordinare."—Dunbar having been summoned to produce the said letters for consideration, and both parties appearing personally, the Lords remit the said matter to the Estates of next Parliament for decision whether the same "be comprehendit in the said Act of Abolitioun and meritis the benefite thairof or not," discharging in the meantime the said commissary of all proceeding therein till the said decision be had.

Ordinance anent the confirmation of feus of kirklands.

The King and Council understand that there is an Act of Parliament declaring that Queen Mary's confirmation of infeftments of feus by prelates shall be as valid as the Pope's confirmation formerly was, all unconfirmed infeftments of kirklands obtained since 8th March 1558 being invalid (1567, c. 2, ii. 545), and another Act ordaining that all unconfirmed feus of kirklands should be brought to the Treasurer for confirmation before
Fol. 58, a. 1st September 1585 (1584, c. 8, iii. 351), which latter Act had been prorogated for one year "throw occasioun of troublis intervening" (1585, c. 15, iii. 380). Notwithstanding these Acts, "mony, neglecting and not taking regarde thairof, specialie the fewaris and possessouris of kirklandis, tenementis, aikeris, croftis, mylnis, fisheingis and uthiris of beneficeis, chaiplanreis, altarageis, prebendareis and uthiris, within burrowis and townis of regalitie and ryaltie, and divers uthiris having signaturis alreddy componit, hes lattin and lettis the same ly and remane in the handis of his Majesteis thesaurare, his deputis and clarkis, not outredding and paying the compositionis thairof, nor yit passing the same throw all his Hienes seillis, according to the gude ordour quhilk aucht and suld be observit." Therefore, it is ordained that the feuars and possessors of the benefices foresaid whose infeftments have not yet been confirmed shall be charged by open proclamation at the market crosses of the head burghs of this realm to come and receive by the 10th day of December next confirmation of the same, "at the sicht and modificatioun of his Hienes Thesaurare and Lordis Compositouris appointit to that effect." Command is also to be given to all personis having signatures already componed but not passed through all the seals to expede the same and pay the composition thereof to the Treasurer. The infeftments and titles of such

occupiers of the kirklands and possessions above described as shall fail to obtain confirmation as aforesaid, or shall neglect to pass the said signatures through all the seals, shall be "of nane availl, strenth nor effect"; and it shall be lawful to the present possessors of benefices "quhairunto the saidis landis, aikeris, croftis, tenementis, mylnis, fischeingis and possessionis contenit in the saidis infeftmentis and titlis appertenis and belangis," to set the same "in feuferme to quhatsumevir utheris personis thay pleis; upoun quhilkis last infeftmentis his Majesteis confirmationis salbe grantit, and the samin to be alwayes preferrit in jugement and utherwayes to the first fewis quhatsumevir unconfermit." Acta 1585–87.

Proclamation of two musters of the fencibles, one at Peebles and the other in Badenoch or Ross-shire, for repression of disorders and offences, lately on the increase both in the Lowlands and in the Highlands.

Preamble states that, "eftir the lang troublis continewit within this realme, to the offence of God, the contempt of his Majestie, and the grite wrak and heirschip of a grite nowmer of his obedient and peceable subjectis, at last his Hienes, at the eirnist and humble requeist of his Esteatis convenit in his Parliament haldin at Lynlythgow in the moneth of December last bipast, in hoip of bettir reule and obedience and greitare repose of his faithfull and peceable people thaireftir, gaif remissioun and discharge to sindrie his . subjectis inhabiting the cuntreyis ewest the Bordouris of this realme of thair . enormiteis and offenssis." Notwithstanding this clemency, sundry of those who had experienced it "hes not ceissit to continew in thair maist wicked and accustomat trade, in committing of fyre-rasing, murthour, slauchtar, reiff, thift, oppressioun and depredatioun of the guidis of his saidis peceable and gude subjectis, to the wrak and heirschip of mony honnest hous- Fol. 58, b.
haldaris and laying of grite plennist boundis waist, besyde the trouble and hasard of the gude peax and amitie standing betuix the twa realmis." Proclamation is therefore to be made at the market crosses of the head burghs of the shires, charging all the fencibles besouth the Month to meet the King or his lieutenant at Peblis upon the 8th day of October next, with one month's victuals, and all the fencibles benorth the Month to convene at Ruthven in Badyenauch, or at the Stokfurde in Ros, as they shall be advertised before the said day, with 40 days' provision, for invading the offenders foresaid "inhabiting the cuntreyis ewest the Bordouris and the North and South Iles, and uthiris Hieland cuntreyis, undir the pane of tinsall of lyffe, landis and guidis." The proclamation is also to command "all and sindrie his Hienes liegis, merchandis and marinaris bound to Lochbrume and uthiris the fisheingis of the north Iles and coistis this present yeir, that thay and every ane of thame stay and on nawayes mak saill, without his Majestie be first maid prevey, and expres licence socht and obtenit of his Hienes with avise of his Prevey Counsall, sittand to that effect, as thay and every ane of thame will answer upoun thair obedience, at thair uttermost charge and parrell," and under pain of loss of ships and goods.[1]

[1] The Month, mentioned so significantly in this order, is the old name for the chain of mountains which extends across Scotland from the head of Loch Linnhe in Argyleshire, on the west coast, to the mouth of the river Dee on the east coast.

Acta 1585–87. Caution in £1000 by Andro Moncur of that Ilk, for Gilbert Quhithop, sheriff-clerk of Forfar, that he will not harm George Hay, the King's master slater, his wife, bairns, tenants, or servants. Caution for Gilbert Whithope.

Caution in £1000 by David Kinloch, burgess of Edinburgh, for David Cokburne, burgess of Dundee, that he will not harm the said master slater or his household. Caution for David Cockburn.

Caution by David Hume, portioner of Blacader, for Johnne Hume, portioner of Blacader, in £1000, for George Hume, his brother, in 500 . . , and for Laurence Tod in Eist Mylne of Blacader, Johnne Youngar, Patrik Greinlaw, Williame Greinlaw, Harie Blacader, Archibald Blacader, Adam Archeir, David Archear, Harie Dalgleish, George Reburne, David Youngar, Johnne Hind, all dwelling in Blacader town, Johnne Lamb in Eist Mylne, Patrik Johnnstoun, Patrik Nesbitt, Johnne Thin, George Archear, James Greinlaw, Johnne Craw, George Richardsone, Johnne Forsyth, and Johnne Blacader, all residing in Quhytlaw, each in the sum of . , that they will not harm George Hume of Woddirburne, his tenants or servants. Caution for John Home and others.

Fol. 59, a. Caution in £1000 by David Hume of Nynwallis, for David Hume, portioner of Blacader, that he will not harm George Hume of Weddirburne, his tenants or servants. Caution for David Home.

Edinburgh, 4th August.

Caution by Williame Wallace, younger, of Johnnstoun, and Andro Chalmer of Wrychthill, for Johnne Wallace in Burnbank and Johnne Wallace in Monktounhill, either of them in 1000 merks, that they will not harm Claude, Commendator of Paislay, Dame Margaret Setoun, his spouse, or Andro Craufurde, son of the Laird of Ferme, bailie of the lordship of Monktoun and barony of Dalmellingtoun, or their tenants and servants. Caution for John Wallace in Burnbank and John Wallace in Monktonhill.

Caution in 1000 merks by Robert Grahame of Knokdoleane and Hew Montgomerie of Hessilheid for Johnne Blair of that Ilk, that he will not harm Johnne Fairlie of Over Munok, his tenants or servants. Caution for John Blair.

Edinburgh, 5th August.

Caution by Hew Campbell of Terrinyeane, in 500 merks, for Thomas Tait of Adamhill, and for Charlis and Johnne Taitis his sons, in 300 merks "ather of thame," that they will not harm Robert Wallace, brother of Johnne Wallace of Cragy, or Johnne Tarbett, his tenant and servant. Caution for Thomas Tait and his sons.

Caution by Robert Durie, fiar of that Ilk, in £500, for Henry Bonar of Lumquhatmylne, and in 500 merks for Elizabeth Balvaird, his mother, that they will not harm Johnne Bonar of Lumquhat, Johnne Bonar, his son and apparent heir, or their tenants and servants. Caution for Henry Bonar and Elizabeth Balvaird.

Fol. 59, b. Caution in 1000 merks by Johnne Grahame of Bagowne for Johnne Dog in the West Hauch of Ruthven, that he will not harm Johnne M°kduff, younger, or his tenants and servants,—Johnne Andro subscribing for Dog "becaus I can not write." Edinburgh, 6th Aug. Caution for John Doig.

Fol 62, b. The action at the instance of Dame Jeane Semple, Lady Ros, against Lord Edinburgh, 8th August.

Decree-arbitral between Lady Ross and her son in the matter of the teinds of the lands of Melvill.

Robert Ros, her son, touching the teindsheaves of the lordship of Melvill, having been submitted by both parties to the decision, "in amicable manner," of the following members of the Privy Council, viz., Francis, Earl Bothuill, and Lord Hereis, for the said Lord Ros, and Claud, Commendator of Paislay, and Sir Lues Bellenden of Auchnoull, Justice-Clerk, for the said Dame Jeahane, Sir Johnne Maitland of Thirlstane, Vice-Chancellor, being chosen oversman, the arbiters above-written, considering "the pure estate" of the said Lady and of the "young gentle wemen, hir dochtiris," who are unprovided for, unanimously assign to her the teindsheaves of the crops 1584 and 1585, at present lying in the barnyard of Melvill, to the effect she may sell and make penny of the same, applying one-half of the proceeds to her own use and making the other half furthcoming "to the help, sustentatioun and furnissing of hir saidis dochteris in sic thingis as is requisite for thair use." They also ordain that the teindsheaves of the said lands of this present year and of all years thereafter shall pertain and be intromitted with by the said Robert, Lord Ros, "conforme to the richtis maid to him of the same." Further, the said Lord Ros is charged to deliver to his mother the keys of the said barn, to the effect she may intromit with the teindsheaves of the years 1584 and 1585 granted to her, under pain of rebellion. Acta 1585–87. Fol. 63, a.

Edinburgh, 11th Aug.

Caution for Thomas Tait of Adamhill.

Caution in 1000 merks by Thomas Tait of Adamhill, as principal, and Hew Carmichaell, son and apparent heir of Johnne Carmichaell, younger, of that Ilk, as surety, that Williame Wallace of Brighous, his tenants and servants, shall be harmless of the said Thomas. Fol. 59, b.

Caution for William Wallace of Brighouse.

Registration by Mr Alexander King, advocate, procurator for William Dunbar of Blantyre, of caution in 1000 merks by the said Williame Dunbar for Williame Wallace of Brighous, that he will not harm Thomas Tait of Adamhill, his tenants or servants. Subscribed at Edinburgh, 7th August 1586, before these witnesses: James Dunbar of Cumnok, Alexander Dunbar, his servitor, David Dunbar of Daldroch, and Dunbar, son of the said Williame Dunbar of Blantyre.

Edinburgh, 12th Aug.

Caution for Alexander Murray.

Caution in 2000 merks by Alexander Murray of Drumdeirane, as principal, and James, Commendator of Incheffray, as surety, that Johnne Grahame of Bagown, his tenants and servants, shall be harmless of the said Alexander.

Edinburgh, 13th Aug.

Sederunt—Thirlstane, Vice-Cancellarius; Claudus, Commendatarius de Paislay; Adam, Episcopus Orcadensis; Marcus, Commendatarius de Neubottle; Alexander, Commendatarius de Pluscardin; Clericus Justiciarie; Largo, Computorum Rotulator; Coldenknowis; Clericus Registri; Linclouden, Collector. Fol. 60, a.

In the matter of the proceedings of the

Complaint by the wives and bairns of David Cunynghame of Robertland, Alexander Cunynghame of Aikatt, Johnne Cunynghame of Corswell,

Acta 1585–87. Patrick Cunynghame of Bordland, and the poor tenants and labourers of their ground, as follows:—Robert, Master of Eglintoun, Neill Montgomerie of Langshaw, Hew Montgomerie of Hessilheid, James Mowatt of Busbie, with their friends and accomplices, having lately obtained a commission for apprehending the slayers of Hew, Earl of Eglintoun, with power, if resisted, to raise fire, convocate the lieges, &c., have, under colour of the said commission, "not onlie cruellie rasit fyre in the cuntrey and brynt thair houssis, and specialie the house of Corswall, quhilk is biggit upoun his Majesteis propir landis of Stewartoun, without ony resistance, and lang eftir the same wes randerit and the keyis thairof delyverit unto thame,—yea, lang eftir thai had enterit thairintill and intromettit with the guidis and geir within the samin, and tane the same furth thairof; and likwayes hes brokin doun and distroyit the haill corbellis, gestis and stanchellis of the rest of thair houssis and alluterlie distroyit the same,—bot likwayes hes alluterlie wrakit and distroyit the pure tennentis and labouraris of the ground, and hes spuilyeit and awaytane thair haill guidis and geir, and compellit thame likwayes to mak payment to thame of thair males, fermis and deuiteis baith of termis bigane and of the Martymes terme to cum, and likwayes intendis to scheir and tak away thair haill cornis and crope presentlie growand upoun thair landis, and thairby wrak the saidis complenaris for evir, swa that thai salbe able nevir to brouke land in tyme cuming, albeit thai have nevir offendit, nor aucht not to be wrakit for thair faultis quha hes offendit, bot thay aucht to be persewit be ordour of justice for thair offenssis. And siclike his Hienes donatouris to the escheitis of the husbandis quha wes present at the said slauchtar will not faill, be vertew of thair giftis, to intromett with the rest of thair haill guidis and geir, swa that thai wilbe alluterlie wrakit, and policie of this realme alluterlie distroyit, and ane evill preparative and example gevin to do the lyke gif uthir remeid be not providit thairto."—Robert, Master of Eglintoun, appearing personally to answer, and the spouses of Cunynghame of Aikatt and Cunynghame of Robertland being also present, the Lords decern the houses of Robertland and Aikatt to be still kept by the said Master of Eglintoun "during the tyme of the rebellioun of the personis foirsaidis, and forder quhill his Majestie declair his expres will in the contrare," he finding caution that the said houses shall remain in their present state; and, for their better keeping during the said space, six persons are ordered to be placed in the house of Robertland, and four in that of Aikett, each of whom shall be paid £6 monthly, during their occupation, out of the livings of Robertland and Aikatt, the first month's payment dating from the 1st of August inst.

Master of Eglinton against certain Cunninghams for the apprehension of the murderers of the late Earl of Eglinton.[1]

Fol. 60, b. Complaint by Duncane Forestar of Quenishauch, as follows:—Adam, Commendator of Cambuskynneth, Robert Drummond of Carnok, Patrik, Johnne, Robert, and Williame Drummondis, his sons, "having consavit malice and haitrent aganis the said complenare," without any cause, "continualie invadis and persewis him for his slauchtar, bostis and

To denounce William Drummond for not appearing to answer a charge of assault and violence.

[1] See *ante*, p. 68, footnote.

minassis him, and hes planelie and oppinlie avowit and affermit to have his lyff; quhairthrow the said complenare dar not onlie [*sic*] resorte nor repair in the cuntrey for doing of his lesum effearis and busynes as his Majesteis free lege for feir of his lyff. Like, upoun the xxvii day of Julii instant, the said complenare being in Kirklistoun, cuming to the burgh of Edinburgh in peceable and quiet maner, the said Williame Drummond, servand to the said Commendatar, maist cruellie invadit and perseuit him for his lyffe, schott his pistollet at him, of set purpois and provisioun to have slane him, and left nathing undone that in him lay to have bereft him of his lyffe; quhilk he had not faillit to have done, wer not be the grace of God and his awne bettir defence he eschapit his handis."—Charge had been given to the said Williame Drummond to appear and answer to this complaint; and now, the complainer appearing personally, but the said Willaime not appearing, the order is to denounce him rebel.[1] Acta 1585–87.

The Lairds of Cessford and Fawdonside against the Earl of Bothwell.

Complaint by Williame Ker of Cesfurde and Andro Ker of Fadounsyde, for themselves and in name of their kin and friends, as follows:—Francis, Earl Bothuill, alleging that Johnne Ker, brother of the said Andro, "intromettit with and awaytuke" from Sir William Sinclare of Hirdmestoun certain oxen, sheep and nolt "hes thairupoun, previlie and extraordinarlie," obtained a commission to apprehend the said Johnne and uplift his goods, and, failing thereof, the goods belonging "to his narrest freindis," and intends, under colour of the said commission, "to intromett with thair guidis." Now, the said commission has been "maist inconsideratlie and unadvysatlie grantit," and is unjust, not having been passed by the Privy Council, nor with its consent, nor after due hearing of the complainers, and also because, "gif ony sic deid as is contenit in the said commissioun be trew, the same aucht onlie to extend to the said Johnne and his assistaris quhatsumevir, quhairof the saidis complenaris ar nane." The complainers, being ready to "abyde the tryall of the lawis for the said cryme or ony uthir thing can be allegeit aganis thame," plead that the said commission, so far as they are concerned, ought to be "declairit null and suspendit simpliciter."—The two complainers appearing personally, but the Earl Bothuill not appearing, the Lords do suspend the commission, "ay and quhill the same be produceit" by the defender as required, and the pursuers warned anew.[2]

Letters of treason against Wallace of Craigie ordered to be put into execution in all points.

Complaint by Johnne Wallace of Cragy, as follows:—Having been denounced rebel upon 15th March last, at the instance of Dame Margaret Setoun, and Claude, Commendator of Paislay, her spouse, for his alleged troubling of them and their bailies in holding courts within the baronies of Monkland and Dalmellingtoun, he had been further charged by letters at the instance of Thomas, Master of Glammis, Treasurer, and Sir Robert Fol. 61, a.

[1] The Sir Robert Drummond of Carnock of this entry was the grandfather of the poet William Drummond of Hawthornden; and the John Drummond of the entry, the second of the sons of this Drummond of Carnock, was the poet's father. The poet was then alive, exactly eight months old, having been born December 13, 1585.

[2] The Ker of Fawdonside of this entry was the husband of the widow of John Knox, and a man otherwise of much note in his time.

Acta 1585-87. Melvill of Murdocarny, Treasurer depute, said letters delivered at his dwelling-place of Knokdoleane only, to enter his person in ward in the castle of Invernes, within 10 days after the charge, under the pain of treason. They had also charged him to deliver to Robert Raa, messenger, executioner of the said letters, the fortalices of Cragy and Knokdoleane, within 6 hours after the charge, under pain of treason. Now, these letters, it is argued, "ar wrangouslie direct at the instance of the said thesaurare and his depute, thay haveing na interes thairintill, be ressoun immediatlie eftir the denunciation usit aganis the said complenare be vertew of the saidis letters the gift of his escheit pertening to his Hienes wes disponit be thame to Williame Wallace, minister of Failfurde, upoun large compositioun payit be him thairfoir; quha, be vertew of the said gift, hes intromettit with the same; and swa, his Majestie being satisfiit of all pertening to his Hienes be vertew of the horning usit aganis the said complenare, his Majestie nor his thesaurare can have na forder interesse in the said mater." Moreover, "the ressonis of the saidis letters quhair-upoun the said horning procedit being groundit upoun the Act of Parliament maid at Lynlythgow anent the repossessing of the personis specialie mentionat in the same to thair landis and levingis, quhairfra thai wer dispossest throw occasioun of the troublis [1585, c. 21, iii. 383], the said complenare, upoun his supplicatioun maid thairupoun to the Lordis of Counsall and Sessioun, obtenit suspensioun of the same letters, and himself ordourlie relaxt fra the proces of horne led upoun him be vertew thairof, upoun caution fundin be the said complenare for repossessing of the saidis Dame Margaret and hir spous to the saidis landis and baroneyis and offices of baillierie thairof, in cais it suld be fundin he aucht swa to do, as the saidis letteris of relaxatioun schawne to the Lordis of Secreit Counsall proportis; and swa, the said complenare being ordourlie relaxt fra the proces of horne foirsaid lang befoir the charge gevin to him be vertew of the saidis letters, and he being his Majesteis free lege, the saidis letters aucht to tak na forder strenth nor effect aganis the said complenare for his entree in warde within the said castell." Further, "immediatlie eftir the charge gevin for randering of the saidis houssis and fortaliceis of Cragy and Knokdoleane, for obedience of the command of the saidis chargeis, the said complenaris wyff and servandis causit delyver the keyis of the same houssis to Robert Raa, messinger, executour of the saidis letters, quha ressavit the same keyis, as his tickettis thairupoun schawne to the saidis Lordis proportis." On these grounds the said letters "and tressoun contenit thairintill" ought to be suspended simpliciter.—The said Treasurer and his depute, and also the Commendator of Paislay, appearing personally, and the Laird of Cragy by Williame Wallace, his procurator and servant, the Lords find the said letters of treason "to be ordourlie procedit and direct," and therefore ordain the same to be put to farther execution in all points.

Fol. 61, b. Caution in 1000 merks by David Lindsay of Kynnetlis for Johnne Spalding in Drumclune, that he shall answer before the King and Council

Caution for John Spalding in Drumclune.

upon 2nd September next to a complaint made against him by Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son, touching the resetting of Johnne Lindsay, brother of David, Earl of Crawfurde, and Andro Pigott, rebels. Acta 1585–87.

Caution for the Master of Eglinton.

Caution by Robert Mure of Cauldwall and Hew Montgomerie of Hessilheid for Robert, Master of Eglintoun, that the houses of Robertland and Aikatt, committed to his custody, shall remain in the like state they they are in at present (*ante*, p. 95).

Edinburgh, 14th Aug.

Caution for the Commendator of Cambuskenneth.

Caution in £1000 by James Seytoun of Tullibody for Adam, Commendator of Cambuskynneth, that he will not harm Duncane Forrestar of Quenishauch, his bairns, tenants or servants.

Caution of relief to Seton of Tullibody.

Band presented for registration by Walter Kallendar, procurator for Adam, Commendator of Cambuskynneth, to the effect that, James Setoun of Tullibody having become cautioner for the Commendator as above, the said Commendator becomes bound to relieve his cautioner of the premisses. Subscribed at Striviling, 13th August 1586, before these witnesses: Robert Erskin of Litill Sauquhy, and Robert Halieburtoun, "my servand."

Caution for Drummond of Carnock and his sons.

Caution by James Drummond, Commendator of Incheffray, in £1000, for Robert Drummond of Carnok, in 1000 merks for Patrik Drummond, his son and apparent heir, and in 500 merks each for Johnne and Robert Drummondis, his sons, that they will not harm Duncane Forrestar of Quenishauch, his bairns, tenants, or servants.

Drummond of Carnock bound for relief of his cautioner.

Band presented for registration by Johnne Robertsoun, procurator for Sir Robert Drummond of Carnok, to the effect that, the Commendator of Incheaffray having become surety for the said Drummond and his son Robert as above, the said Sir Robert becomes bound to relieve his surety of the foresaid act of caution. Subscribed at Bannokburne, 13th August 1586, before these witnesses: Johnne Drummond, "my sone," and Johnne (? James) Robertsoun, "my servand." Fol. 62, a.

Ruthven, 19th Aug.

Order in the matter of a feud between Lord Hay of Yester and Walter Scott of Branxholm.

The King understanding "the lait inordinate, contemptuous, and laules procedingis of Williame, now Lord Hay of Yester, and Walter Scott of Branxholme," who, either themselves or by others at their instigation, have invaded each other's bounds "be oppin weir and hostilitie, committing divers slauchtaris, mutilationis, grite heirships and depredations, to the wrak of mony trew men," and this notwithstanding the mutual assurances granted by them, and that they intend "to continew in thair insolent and outragious cruelties," both parties, including the tutors and curators of Scott, if he has any, are to be charged by proclamation at the market crosses of Jedburgh and Selkirk to "find sikker souirtie and laborrous" that they shall be harmless of each other in bodies, lands and goods, each of them under a penalty of £10,000,—the caution to be found within six days after the charge, under pain of rebellion. Fol. 63, a. Fol. 63, b.

Acta 1585–87. Fol. 62, a.

Caution by Williame Wallace, minister of Failfurde, and Williame Wallace, younger, of Johnnstoun, for Adam Turbatt, messenger, and Johnne Turbatt, his son, either of them in 500 merks, that Thomas Tait of Adamhill, his tenants and servants, shall be harmless of the said Turbatts.

Edinburgh, 21st Aug. Caution for Adam and John Turbet.

Fol. 62, b.

The King and Council understand that, although Alexander, Prior of Coldinghame, has, ever since he was promoted to that living, intromitted with the fruits and teinds of the said benefice, yet Francis, Earl Bothuill, pretends "rycht to the teindis of the landis of the townis of Coldinghame, Ymouth, Restonis, and Lumisdenis, being ane pairt of the patrimony of the said abbay," and that the said Prior, for defence of his possession, intends to convocate the lieges "in hostile maner, and be force and way of deid", for collecting, leading, and intromitting with the teinds of the present year. It is therefore ordered that Alexander Hume of Hutounhall and the King's servitor, Williame Setoun, "as maist neutrall and sufficient personis," shall collect, lead, and stack the said teinds in the accustomed place, "upoun the expenssis of the selff"; and both the said parties are charged not to intromit in any way with these teinds, or convocate the lieges to that effect, under pain of treason.

Falkland, 22nd Aug. Order anent the teinds of Coldingham in consequence of a dispute between the Prior and Earl Bothwell.

Caution in £500 by David Seytoun of Parbroth for Johnne Bonar of Lumquhat, that he will not harm Henry Bonar at Lumquhat Mylne, Elizabeth Balvaird, his mother, or their tenants and servants.

Edinburgh, 26th Aug. Caution for John Bonar.

Caution in 2000 merks by David Edmestoun of Wowmatt for Sir Johnne Edmestoun of that Ilk, that he will not harm Johnne and David Home, portioners of Blacader, Mr Petir Danielstoun, parson of Duns, Alexander Home of Manderstoun, George Hume of Cranycruke, or their tenants and servants.

Edinburgh, 31st Aug. Caution for the Laird of Edmeston.

Fol. 63, b.

The King and Council understanding "how that mony of his Hienes trew, quiet and peceable subjectis hes sustenit grite wrak and heirschip thir yeiris bipast be reving, steilling, and awaytaking fra thame of thair guidis and geir be the thevis, revaris, and brokin men in the Hielandis," because the Acts of Parliament for repressing such misdeeds have not been put in execution, and considering especially that, by an Act of Parliament made in the time of King James the Fifth, the master of a servant accused of theft is bound either to bring him before the Justice or to deliver him to the complainer, under pain of being accused as art and part (1535, c. 40, ii. 350), and having been informed of "the grite heirschip committit be Johne Oig M^{c}aneabrych in Glencone, Allaster Oig M^{c}aneabrych, his bruther, Donald Og M^{c}aneabrych, brother to Johnne Oig, eldar, Gilchrist Roy, Robert M^{c}kanedwyn, Angus Moir M^{c}kgillichallum, upoun George Drummond of Blair, and that, thay duelling and remaning within the boundis of Appin and Glencone, pertening to Johnne Stewart of Appin,

Holyroodhouse, 20th Sept. Charge to Stewart of Appin to enter certain Highlanders, accused of misdeeds, and also to appear himself.

and being his men, tennentis, servandis, and undir his obeysance, he aucht and suld mak thame answerable to the lawis, conforme to the general band and Actis of Parliament" (1515, c. 2, ii. 282; 1535, c. 40, ii. 350; 1540, c. 15, ii. 372), it is therefore ordered that the said Johnne Stewart shall be charged "personalie, gif he can be apprehendit, and, failyeing thairof, be oppin proclamatioun at the mercat croceis of the burrowis of Perth, Striviling, Dunbartane, and uthiris placeis neidfull, becaus thair is not sure passage to his personall presence," to present the persons above specified before the Justice in the tolbooth of Edinburgh, upon 7th November next, to answer for their crimes foresaid, and also to appear himself before the Privy Council upon the same day, "to underly tryall upoun his diligence," and farther to answer *super inquirendis*, under pain of rebellion. Acta 1585–87.

Edinburgh, 21st Sept. Caution for William Cultellar and others.

Caution by Thomas Ros, burgess of Edinburgh, for Williame Cultellar in Auchinbany, Bartill Hereis in Hessilfeild, and Henry Cultellar in Murrowland, that they shall pay to Edward Maxwell, Commendator of Drumdrenane, such sums of money as shall be found owing by them for their shares of the late taxation of £20,000.

Caution for Lady Argyle.

Caution in 3000 merks, by Johnne Bonar of Lumquhatt, and Johnne Lowry, burgess of Edinburgh, for Dame Annas Keyth, Countess of Ergyle, that she, her tenants and servants, will not harm George, Earl of Huntley, or his tenants and servants. Fol. 64, a.

Holyrood-house, 22nd Sept. [Convention of Estates.] Farther decision anent the teind-sheaves of Coldingham, claimed by Earl Bothwell and the Commendator.

When the King was lately at Falkland a question was raised before him and some of his Council by Francis, Earl Bothuill, on the one side, and Alexander, Commendator of Coldinghame, on the other, touching the teindsheaves of the priory of Coldinghame of this present crop, claimed by each party; and, "the said Commendatar then clameing to the benefite of his Majesteis act and ordinance past upoun ane submissioun maid to his Hienes, subscryvit be baith the saidis pairteis in taikin of thair consentis thairto, the contentis quhairof his Majestie being than not weill rememberit of, and notwithstanding resolving with himselff that the same suld be fulfillit and tak effect, according to the tennour thairof," a certain order had been given (*ante*, p. 99). "Inspection and consideratioun being had of the same be his Hienes, his Nobilitie and Esteatis now presentlie convenit, to quhome the same wes remittit be his Majestie," they, having considered the said act, together with the Commendator's supplication and the Earl's answer, and "finding the question of possessioun and rycht to the saidis teyndis nawayes competent to thair jugement," yet, "for the bettir intertenying of peace and quietnes in the cuntrey and removing of all occasioun of trouble and inconvenient," decern the said teindsheaves to be led and stacked by the tenants of the priory of Coldinghame in the place accustomed, and after being stacked to be threshed out and sold, the said Commendator receiving the proceeds of the sale, "to be furthcumand as law will," with the addition that, if the Lords of Session decide not in the Earl's favour before the feast of Yule next, the Commendator shall intromit

Acta 1585–87. with the whole fruits of the said priory of this present year,—this decree to be without prejudice of the rights of either claimant.

Holyrood-house, 23rd Sept. [Convention of Estates.]

Sederunt—PRESENTE REGE—Joannes, Dominus Hammiltoun; Archibaldus, Comes de Angus; Joannes, Comes de Mar; Franciscus, Comes de Bothuill; Franciscus, Comes de Erroll; Robertus, Dominus Seytoun; , Dominus Saltoun; Patricius, Archiepiscopus Sanctiandree; Adam, Episcopus Orcadensis; Georgius, Episcopus Moraviensis; Patricius, Episcopus Dunkeldensis; . . . kynneth; Joannes Maitland de Thirlstane, Vice-Cancellarius; Alexander Hay de Eister Kennett, Clericus Registri; Andreas Wode de Largo, Computorum Rotulator; Walterus, Prior de Blantyre, Custos Secreti Sigilli; Robertus Melvill de Murdocairny, Thesaurarius-deputatus; Jacobus Home de Coldenknowis. COMMISSIONARII BURGORUM: Joannes Arnott, Eduardus Hairt, pro Edinburgh; Magister Petrus Quhytelaw, pro Perth; Willelmus Steuart, pro Air; Norwall, pro Striviling; Willelmus Broun, pro Hadingtoun; Patricius Menzeis, pro Abirdene; Alexander Skryngeour, pro Dundee; Joannes Ramsay, pro Craill; Robertus Gordoun, pro Invernes; Joannes Quhytefurde, pro Irwing; Thomas Williamsoun, pro Coupar in Fyffe; Archibald Hiegait, pro Glasgu; Magister Willelmus Russell, pro Sanctandrois; Joannes . . , pro Brintiland.

Fol. 64, b. Taxation of £15,000 for a force of waged men on the Borders; 5s. to be uplifted of each pound land of old extent; the Border sheriffdoms exempted on the ground of personal service.—(See the Act printed in full, with two other Acts of the Convention, in Acts of Parliament, iii. 424–426.) Taxation of £15,000.

ol. 65, a. Complaint by Mr Robert Douglas, provost of Lynclouden, as follows:—In November 1585 he, his tenants and servants, were "wranguslie, violentlie, and maisterfullie" ejected from his rowme and steading of Inneresbie, by George Carribdes of Howmanis, who, having "intrusit himselff in the possessioun thairof," intromits with the corns and otherwise continues his annoyance.—The said George, failing to appear to answer the complaint, is to be denounced rebel. To denounce George Carribdes [Carruthers], for non-appearance to answer a complaint.

Caution by Johnne, Earl of Mar, Alexander Erskin of Gogar, and Sir James Hume of Coldenknowis, for Alexander, Commendator of Coldinghame, that the fruits of the said priory of this year to be intromitted with by him shall be made forthcoming to Francis, Earl Bothuill, "in cais he sall evict the said priorie fra the said Commendatar." Caution for the Prior of Coldingham.

[1] Thus, besides the King, seven nobles, six ecclesiastical persons, and five officers of State, there were present in this Convention of Estates fifteen Commissioners of Burghs.—It will be observed that there are no fewer than eight pieces of business registered under this day, only three of them purporting to be Acts of the Convention of Estates, the rest Acts of the Privy Council as such. Either the same persons sat throughout, or the Convention resolved itself into a Council on occasion.

Complaint by the Master of Gray, Commendator of Dunfermline, against certain ecclesiastical commissioners: decision therein.

Complaint by Patrik, Master of Gray, Commendator of the Abbey of Dunfermling, as follows:—He is informed that the King has granted a commission to Masters Johnne Craig, David Lyndsay, Robert Pont, Nichol Dalgleische, and Johnne Brand, appointing them "to tak tryall of . . sionis and ecclesiasticall materis and functionis tuiching the inhabilitie of personis . . and undir residence of uthiris, and amangis the rest to cognosce and tak tryall quhat prelaceis ar vacand in his Majesteis handis sen the tyme of the making of the Act of Parliament anent the provisionis of the ministeris and appointing of stipendis to thame at all parroche kirkis and commissionaris for taking ordour thairanent, and quhidder gif the collationis thairof maid to the personis providit thairto contenis the said provisioun, with power likwayes to thame in cais of inlaik thairof to decerne the saidis provisionis null and of nane availl" (1581, c. 2, iii. p. 211). Now, under colour of this authority, "the saidis commissionaris intendis to proceid aganis the said complenare, and, for allegeit inlaik of the said provisioun in the dispositioun of the said prelacie to him, to annull his said gift, at the leist thirll him to the pament of certane ministeris stipendis to be modifeit be thame." This is "expres aganis all equitie and ressoun, considering that the said Act of Parliament is onlie anent provisionis to be maid of the saidis ministeris stipendis at the parroche kirk quhair thay serve, or sa mekle boundis as suld be fund sufficient for ane parrochin be sic as suld be appointit be the said Act of Parliament, quha ar ordanit to convene at ane certane tyme and prescryve the said ordour; quhilk is not yit done, and thairfoir on nawayes could the same be insert in the said complenaris gift and dispositioun maid to him of the said prelacie. And, in cais the same mycht be comprehendit in the said gift, yit the same aucht nawayes to be allowit in his twa parte, quhilk is ellis swa exhaustit and dismemberit with pensionis and uthiris burdingis, alsweill be Actis of Parliament as utherwayes, as skairslie will the same extend to the sowme of hundreth markis that will cum to the said complenaris use, quhilk, in cais he be compellit to pay the saidis ministeris stipendis, wilbe halilie exhaustit and evictit fra him, albeit it be specialie providit be the said Act of Parliament that the saidis ministeris stipendis salbe alwayes allowit in the thrid; quhilk thrid is assumit to his Majesteis use and disponit to the Maister of Mar, Alexander Clark, and the Conservatour, and sic uthiris; swa that the said complenare hes na parte of the said thrid, quhilk of the selff wald be sufficient to sustene the haill ministeris of the parroche kirkis. Nather wes he bund to insert the same in his provisioun, quhilk gif it had [been] done, he had bene thirllit to the payment thairof oute of the twa parte; and swa for inlaik thairof the said complenaris provisioun aucht nocht to be reduceit, or he compellit to mak payment to the saidis ministeris. Attoure, it is of veritie that in his said gift and dispositioun his Majestie hes renunceit all actioun, questioun or clame that his Majestie hes or may have aganis the said Commendatar, tuicheing the validitie of the said provisioun, or that may mak impediment thairunto, owther in haill or in

Acta 1585-87.

Fol. 65, b.

Acta 1585-87. parte, nochtwithstanding of quhatsumevir lawis, statutis, Actis of Parliament, constitutionis civile, cannoun or municipall, quhatsuemvir, lawis maid or to be maid that may extend to the hurte and prejudice of his said title, dispensand thairwith and renunceand the same *cum acto de non petendo vel lite movendo*, as at mair lenth is contenit in the said gift pertening to the said complenare, quhilk in all pointis, articlis and claussis thairof, is ratifeit in Parliament [1585, c. 51, iii. 412]. And swa the said Act of Parliament, tuicheing the provisioun of the saidis ministeris stipendis, being dispensit with in the said Commendataris gift, and the said dispensatioun ratifeit to be als validat ane Act of Parliament as the formare the said Act of Parliament twicheing the inserting of the ministeris stipendis, can nevir stryke upoun the said gift, and far les subject him to the payment of ony dewitie abone the said thrid, quhilk, as said is, is sufficient to sustene his haill ministeris of the saidis parroche kirkis in cais the same wer applyit thairto. Nevirtheles, as the said complenare is informeit, the saidis commissionaris intendis to proceid aganis him without remeid be provydit."—The said commissioners having been summoned to answer, and Mr David Lindsay and Mr Johnne Craig appearing for themselves and in name of their colleagues, and the Master of Gray being also present, the Lords, finding "the ressonis of the letters abone specifeit to be relevant," discharge the defenders "of all proceding aganis the said complenare, tuicheing the validitie of said provisioun and deduceing of ony pro . . tew of the said commissioun," and suspend the effect thereof in all time coming.

Fol. 66, a. A marriage is contracted, "be the Kingis Majesteis speciall avise and consent," between his "richt traist cousing," George, Earl of Huntley, lieutenant-general in the north, and the King's "deir cousignace," Henritte Stewart, lawful sister of Ludovic, Duke of Lennox. She is at present in France; and, as the time for solemnising the marriage is now approaching, his Majesty, "eirnistlie desiring to have the same accomplissit," has given special direction to the Earl "to send in France, and to caus convoy and transporte thairfra in this realme his Hienes foirsaid cousignace, futur spous to the said Erll, with all guidlie diligence, and to mak all neidfull chargeis and expenssis to that effect." For relief and supply of such expenses the King grants him 5000 merks Scots, and "for sure payment of the same sowme" appoints him donator to the casualties of the treasury falling vacant within the bounds of his own lieutenandry, "ay and quhill he be compleitlie payit of the said soume," the Earl "takand and acceptand the same for sic compositioun" as the Lord Treasurer shall modify, "preferrand him to ony uthiris that sall mak ony offer thairfoir, gif he pleissis to accept the same for the sowme modifeit." But, in case he shall refuse, then the Lord Treasurer shall dispone the same "to sic uthiris as will gif maist thairfoir, the compositioun alwayes being payit to the said Erll" till he is satisfied of the said sum.

Assignation to the Earl of Huntly for payment to him of 5000 merks, for his expenses in bringing his intended wife, sister of the Duke of Lennox, from France.

Respites or remissions for slaughter, fire-raising, or other odious crimes,

Act anent respites and remissions.

granted in contravention of the Act of Parliament (1584, c. 12, iii. 298) declared to be null.—(See Act in full printed in Acts of Parliament, iii. 426. It was one of the two Acts passed by the Convention of Estates in addition to their Act of Taxation of this day noted *ante*, p. 101.) Acts 1585-87.

Act against exporting certain goods to England.

There being much contravention of the Acts of Parliament forbidding the export of nolt, sheep, coal, salt, and other victuals to England and abroad, the said Acts are ordered to be proclaimed at the market crosses of the head burghs of this realm.—(This Act is printed in full in Acts of Parl. iii. p. 426, being the second of the two Acts passed in the Convention of Estates this day in addition to their Taxation Act.) Fol. 66, b.

Burgh of Perth against Burgh of Dundee.

Complaint by the provost, bailies, council, and community of the Burgh of Perth, as follows :—"The provost, bailies, counsall and communitie of the Burgh of Dundee, allegeing that thair peir, bulwark, schoir and havin thairof, throw occasioun of the tempestuous wedder, is becum ruynous and liklie to decay, hes, as the saidis complenaris ar informit, laitlie obtenit a pretendit letter and gift undir the prevey seill, gevand and disponand to thame the towst and exactioun following, previlege and fredome of the same, to be upliftit, ressavit and usit be the thesaurare of thair burgh for the tyme, the space of fyve yeiris nixt and immediatlie following the date of the said gift: that is to say, twa schillingis for every tun of guidis enterand within the said porte and heavyn of Dundee, at the entree thairof; twa schillingis for every tun at the outpassing of merchandis freemen, unfreemen and strangearis; and siclik of every tun fraucht xii đ. at the entree, and alsmekle at the outpassing of schippis cumand fra Norroway and uthiris pairtis laidynnit with tymmer,—off every hundreth geistis, ane; off every hundreth rauchtaris, ane; of every hundreth corbellis, vanscott, and dailis, ane; and siclik of every sorte of tymmer cumand to the said porte and heavyn, ane, or the availl and pryceis thairof; off every chalder of victuall that salbe sauld at the said porte and heavyn, of the merchantis xvi đ., and of the skippar and maister viii đ.; and of all uthiris guidis quhilkis ar usit to be disponit be chaldaris: as the said pretendit gift at mair lenth beiris. Be vertew of the quhilk thay have alreddy, or at the leist, intendis to intromett with and uptak the said extraordinar towst and exactioun of the inhabitantis of the said burgh of Perth repairand and usand trade at the said porte and heavyn,—maist wranguslie and unjustlie, considering it is of veritie and notour to his Majestie and Lordis of Secreit Counsall quhat necessitie the saidis complenaris have thameselffis of sic exactionis to supporte the commoun warkis of thair awne burgh, mair requisite to be bett and helpit nor the said porte and heavyn of Dundee; specialie the Brig, having twyse fallin doun and decayit, and, laitlie being erectit of tymmer, is reddy to fall without present help . . alluterlie fallin doun and ruynatit, thair tolbuith lykwayes fallin doun, tha . . . wallis ruynatit and at the point of decay: in the beting and reparatioun . . . warkis thair commoun gude is altogidder spendit Fol. 67, a. and . . uther moyane to supporte thair necessitie, bot

Acta 1585-87. be taxatioun to be resit amangis thameselffs. As likwayes thay ar burdynnit with his Majesteis custumes for his wynes and uthir effearis, besyde the grite wrak and lose thay sustenit throw the lang continwance of the pest within the said burgh. And forder, the said gift is wranguslie and evill purchest, the saidis complenaris nocht being callit to the geving thairof, as thay aucht and suld have bene, seing thay had speciall interesse and mony lauchfull ressonis to have stayed the same; speciallie be ressoun the haill watter of Taya and previlege thairof fra Drumlay into Drumallane pertenis to the said burgh of Perth, as ane parte of the propirtie thairof, with the peir and schoir of Dundee, quhilk standis and is situat within the said Watter of Taya, boundis, fredome and privilege thairof; and that the saidis complenaris, thair schippis, boitis, merchandice and uthir geir coft and ladynnit be the saidis complenaris, inhabitantis of the said burgh of Perth, wes nevir in use nor requirit with the payment of ony towstis or exactioun in tyme bigane, in respect of thair said previlege and fredome. Like as the said burgh of Perth hes bene in continwall possessioun of the fredome and libertie of the said Watter of Taya, and thair in lossing, laidning, paking and peilling, selling and waring of thair guidis and merchandice within the boundis of the said Watter of Drumlay in [? to Drumallane] without ony payment of anchorage, small custume, or uthir towst or exactioun be ressoun of the fredome foirsaid. In respect quhairof the saidis letters and gift aucht to be declairit to have bene wranguslie and evill purchest, and thairfoir declairit null, at the leist suspendit and dischargeit to have ony force or executioun aganis the saidis complenaris quhill the mater be ressonit at lenth in presence of his Majestie and Lordis of Secrete Counsall."—James Skryngeour of Dudop, provost, Williame Man, Alexander Skryngeour, James Auchinlek, and Alexander Ramsay, bailies, and James Findlasoun, treasurer, of the burgh of Dundee, having been summoned to answer for the defenders, and the said Provost and Alexander Skrymgeour, one of the bailies, appearing for themselves and in name of the rest, and Mr Patrik Quhytlaw and Oliver Peblis, two of the bailies of Perth, appearing for themselves and in name of that burgh, and reasons on both sides having been heard, the Lords, "in respect that the inhabitantis of baith the saidis burrowis and utheris his Hienes liegis resorting to and fra the said peir, bulwark, schoir and heavin of Dundee reportis commoditie be the bigging and reparatioun of the same," ordain the privilege foresaid granted to the burgh of Dundee to continue during the space mentioned in the said letter of gift, but "na forder towist nor privilege of uptaking of towist or exactioun of the guidis pertening to ony of the saidis inhabitantis of Perth" to be granted after the expiry of this present privilege; and the burgh of Perth is required to appoint some person for reporting to the Lords Auditors of Exchequer whether the "towst" collected shall be applied by the provost and bailies of Dundee according to the tenor of the said letter of gift.

Sederunt—Thirlstane, Vice-Cancellarius; Episcopus Orcadensis;

Holyrood-house, 24th Sept.

. . . mling; [? Neubott]le; [Clericus Reg]istri; [Clericus Justici]arie; Blantyre, Custos Secreti Sigilli; Coldenknowis; Computorum Rotulator; Prepositus de Lynclouden, Collector Generalis. Acta 1585–87.

Suspension of letters of horning obtained against Douglas of Drumlanrig by Johnston of Dunskellie.

Complaint by James Douglas of Drumlangrig, as follows:—Sir Johnne Johnnstoun of Dunskellie, having procured an Act ordaining all prisoners taken by Johnne, Earl of Mortoun, or by the complainer, "during the tyme of the lait troublis," to be released, with discharge of bands made for the entry of prisoners to either, has obtained letters commanding the complainer to set at liberty Willie Johnnestoun, son of the late Williame Johnnstoun of Tondergarth, Andro Johnnstoun, son of the late Cristie Johnnstoun in Mylbank, Johnne Moffatt, Jok Hudman, Lancie Palmar, and Walter Johnnstoun, and to discharge all bands made for their entry, under pain of rebellion. "Like as, for the said complenaris allegeit dissobedience, the said Schir Johnne Johnnstoun hes, upoun plane malice, causit denunce him to the horne." This is done "maist wrangouslie," inasmuch as "the saidis personis, allegeit takin be the said complenare and undir band to him, wer takin and apprehendit be certane his freindis and servandis, upoun the xxv day of Junii last bipast, reidhand in thair thiftuous and evill deidis, specialie in thair cuming in cumpany with foure hundreth personis, thair complices, commoun and notorious thevis, to the toun and lands of Sanquhar, and in the dryving and awaytaking be way of stouthreif of certain hors, nolt, and scheip, pertening to his Majesteis gude and faithfull subjectis, inhabitantis of the said toun and cuntrey aboute, and taking of certane prisonaris at the same tyme." Such persons, "being lauchfull prissonaris, takin reidhand in thair thiftuous deidis, as said is, can nawayes acclame nor enjoy na benefite be the said ordinance"; and consequently the said letters of horning ought to be suspended simpliciter.—The complainer appearing by Mr Robert Douglas of Lynclouden, his procurator, but Sir Johnne failing to appear, the Lords do suspend the letters, "ay and quhill the same letters be of new produceit" and the said James warned thereof. Fol. 67, b.

To denounce David Johnston of Brumell for not appearing to answer a charge of cruelty to John Hercules, a minor, and of maladministration of his affairs.

Complaint by Johnne Hercules, son of the late Johnne Hercules in Reidhall, beside Lochmaben, as follows:—"The said Johnes fader having in occupatioun, the tyme of his deceis, xiiii aikeris of land in the said toun and landis of Reidhall, plennessit with xxx ky and oxin, young and auld, lx scheip, three werk horssis, with ane peill house, with byre, hall, and berne, then pertening to his said umquhile fader, plennissit and sawne with beir and aitis be him and his servandis the tyme of his deceis, levand David Johnnstoun of Brumell tutour and administratour to the said Johnne, being ane infant for the tyme of twa yeiris of age or thairby: with quhome having remanit quhill he wes xiiii yeiris of age, the said David, neglectand and foiryettand the dewitie of his office, delt maist unnaturalie and unjuriouslie with him, abusing him with straikis and casting him in the watter to have drownit, constraning him, being minor and without avise of his freindis and richteous tutouris, to ouergiff his

Acta 1585-87. rowme to the said David Johnnstoun; quha then, be the space of xxvi yeiris syne or thairby, maist violentlie intromettit with not onlie thairwith, bot alswa with the saidis haill guidis and geir abone rehersit, and hes withhaldin the same and haill profittis thairof fra him continualie sensyne. Quha being bot of meane calling, and not having quhairupoun to obtene the vigour of the law upoun the said David, likwayes being a laules persoun, dwelland sa far fra justice and place thairof, among disorderit Borderaris, that the said complenare, having litle substance to insist in the persute of his caus to the end thairof, can hardlie entir ane langsum pley be the ordinare course of the law, or abyde the finall decrete and determinatioun thairof. Swa that, without some gude and spedy remeid be providit for his supporte, and presentlie h . . . to his rowme and guidis thairof, with uthiris proffittis of the same, he will suf . sindrie inconvenientis of povirtie and
Fol. 68, a. uthirwayes."—Johnne Hercules appearing by Mr Robert Douglas, provost of Lynclouden, his procurator, but the defender failing to appear, the Lords ordain the defender to be denounced.

Act confining James Gibson, minister at Pencaitland, to his parish, and suspending him from the exercise of his ministry.

The King and his Council understanding "the contemptuous and irreverent behaviour of James Gibsoun, minister at Pencaitland, aganis his Hienes authoritie, actis and constitutionis of the lait Generall Assemblie of the Kirk, and ordinance of the particular presbitery to the quhilk he is answerable and subject, to the grite slander of the Worde and evill example to uthiris to do the like gif the same suld be sufferit to remane unpunissit," the said James Gibsoun is charged to remain in the town of Pencaitland till relieved, "and in the meantyme to desist and ceis fra all teiching and preicheing of the Word, privat or publict exhortationis, ministratioun of the sacrament, or ony uthir publict functioun belanging to the office of ane minister, undir the pane of death."[1]

Caution for the Earl of Huntly.

Caution in 3000 merks, by Johnne Gordoun of Petlurgh, for George, Earl of Huntley, that he will not harm Dame Agnes Keyth, Countess of Ergyle, her tenants or servants.

New proclamation against Jesuits and other Papists.

Forasmuch as "the seditious and crafty practises of the Jesuitis, seminarie preistis, and uthiris papistis, send and dispersit in this realme for seduceing of the simple and ignorant people frome the trew relligioun, and to allure the myndis of oure Soverane Lordis subjectis frome thair dew obedience aucht to his Hienes, and to reconcile thame and thrale thair conscienceis to the usurpit power of the Pape of Rome," have been "espyit, and the dangearis and inconvenientis growin thairupoun considerit," proclamation had been made commanding the said papists to depart furth of this realm within a certain time now long past (*ante*, p. 2). As they have "contempnandlie dissobeyit" this command, another proclamation is now ordered at the market crosses of the head burghs of the realm, charging the lieges to apprehend the said offenders wherever found, and to bring them before the Justice in the tolbooth of Edinburgh,

[1] About Gibson see *ante*, p. 40. In the interval he had continued to give offence by plain-speaking like that which had before brought him into trouble.

to underlie trial for their demerits. Those who fail are to be held culpable of the seditious practices which they thus abet; but persons apprehending the said papists, or reporting where they are reset and reside, are to be rewarded "according to thair gude deserving." Acta 1585-87.

Suspension of letters of horning against John Spalding.

Complaint by Johnne Spalding of Drumclun, as follows:—For his non-appearance before the Privy Council to answer for resetting Johnne Lindsay, brother of David, Earl of Craufurde, and Andro Pigott, rebels, he has been, at the instance of Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son, put to the horn. Now, as the complainer "wes nevir personalie chargeit," nor served with a copy of the summons, his failure to appear had not been through any contumacy or contempt, "bot upoun misknaulege of the said charge." He had always been willing, and still is, to appear and answer; and he "hes fund cautioun thairupoun" in presence of the Council (*ante*, p. 97). On these grounds he pleads that the said letters of horning ought to be suspended simpliciter.—Johnne Spalding appearing personally, but the said Johnne and Henry Ogilvy failing to appear, the Lords do suspend the said letters till the same be produced and the complainer again warned. Fol. 68, b.

To denounce Adam Crighton and George Rattray for not appearing to answer a charge of spuilzie.

Complaint by Margaret Erskin, Lady Ruthven, as follows:—Upon 13th, 18th, and 23rd June last, 36 head of nolt, being her goods, while pasturing upon her lands of Camno and Hendirsoun, were "spuilyeit and awaytane, undir silence of nycht," by Adam Creichtoun of Ruthvenis and his accomplices, and were carried to Craighall, belonging to George Rattray, Laird of Craighall, to Auchingowne, pertaining to James Bannatyne of Auchingowne, and to Dunkeld, in the hands of Johnne Marschaell, and to Williame Drummond in Lorantyne, Alexander M°Krichie *alias* Geordie, Adam M°Krichie, *alias* Geordie, his brother, Johnne Lawis and Henry Ker, burgesses of Dunkeld, and to Katherene Haliburtoun in Blaklaw: all which persons "hes continewallie, sen the delyverie of the same unto thame, resset thame, knawing the same guidis to be spuilzeit," and, though "oftymes requirit be the said complenaris servandis to have restorit the same," yet refuse, "tending thairby to appropriat the same to hir [thair ?] awne use, be sum cullourit title thay intend to obtene of the said Adam."—Adam Creichtoun and George Rattray having been summoned to answer, and the complainer appearing by Alexander Erskin of Gogar, her procurator, but the defenders failing to appear, the Lords ordain the defenders to be denounced rebels.

Falkland, 4th Oct. Commission for apprehending the Lady Johnston of Dunskellie for lesing-making and bringing her before the Council.

Margaret Scott, spouse of Sir Johnne Johnnstoun of Dunskellie, "being suspectit and delaitit as culpable of making of lesingis and telling of thame, quhilkis may engenner discord betuix the Kingis Majestie, his nobilitie and people," and the said Sir Johnne, her husband, having been charged "to have takin, apprehendit, and presentit hir befoir his Hienes and his Counsall, to have undirlyne tryall thairanent," and she having avoided this by wilful absence, "quhairthrow gritare inconvenientis may follow," commission is now granted to apprehend her wherever found, and to Fol. 69, a.

Acta 1585–87. present her before the Council "to abyde tryall as appertenis." For the better execution thereof the lieges are to be charged by open proclamation "to convocat thameselffis togidder in armes," and to repair to the commissioner for his assistance when required. If she shall happen "to pas to houssis or strenthis," the lieges are commanded to "assege the saidis houssis, rais fyre, and use all kynd of force and weirlyke ingyne that can be had for wynning and recovery thairof"; and, if she or any of her assisters shall be hurt or slain while being pursued, the same shall not be imputed as a crime to the agents, nor shall they be "callit nor accuseit thairfoir criminalie nor civilie be ony maner of way in tyme cuming," any laws or Acts of Parliament notwithstanding.[1]

Earl of Morton relaxed from the horn while he is engaged in his Majesty's service on the West March.

Johnne, Earl of Mortoun, warden and justice of the West Marches, having been appointed to "hald justice courtis within the boundis thairof, for punishment to be usit upoun offendouris and satisfactioun of personis offendit unto, and to this effect to begin upoun the day of October instant, as alswa to ressave plegeis of sindrie brancheis and brokin men, for the bettir observatioun of the peax, and quieting of the cuntrey heireftir," and it being necessary that, while he shall be so occupied in his Majesty's service, "all occasionis be the quhilkis he may be hinderit be removit and sett asyde", it is ordained that, by open proclamation at Drumfreis, he shall be relaxed from the horn and receive the wand of peace till 30th November next, to the effect he may hold the said courts, receive the said pledges, as also appear before the Council upon 15th November next and "persew and defend in the actionis of contraventioun persewit and depending betuix him and Schir Johnne Johnnstoun of Dunskellie."

Edinburgh, 12th Oct. Caution for Clark of Balbirny.

Caution by Johnne Lowry, burgess of Edinburgh, for Alexander Clark of Balbirny, late collector of the taxation of £20,000, that he shall pay to Johnne Oliphant, keeper and writer of the treasurer's register, the sum of 100 merks, in case it shall be found that he owes any part of the said taxation.

Fol. 69, b.

Edinburgh, 21st Oct. Charge to the Earl of Morton, Johnston of Dunskellie, and others.

Johnne, Earl of Mortoun, James Douglas of Drumlangrig, and Alexander Jardane of Apilgirth, on the one part, and Sir Johnne Johnnstoun of Dunskellie, on the other part, are charged, under pain of rebellion, to appear before the King and Council on the 15th of November next, "to gif in and persew thair actionis and caussis of breking of the assureancis" past between both parties, "to the effect the same may be tryit and ordour tane thairwith" in accordance with the conclusion of the King and Council "at his being at Falkland" upon the 4th October instant.

Stirling, 22nd Oct. New Act of Revocation of dispositions out of the

The King, finding himself "enormelie hurte and prejugeit" by the unproffitable dispositions made by him and his progenitors out of the patrimony and other rents of the crown, has already, according to the

[1] This mysterious entry receives explanation from a later entry at p. 111.

patrimony and rents of the Crown.

privilege belonging to him and to all other minors, made sundry revocations of the same; but the effect of these revocations "hes bene divers wayes impedit and hinderit," especially "throw sum new dispositionis" importunely obtained from his Highness, "quhairthrow the necessar provisionis of his house and uthiris his maist urgent chargeis wer not able dewlie and tymouslie to be maid and intertenyit, according to his Majesteis honnour." Now, therefore, his Majesty, "approcheing to his lauchfull and perfyte age of xxi yeiris, and still finding the incres of his Majesteis prejudice throw the saidis dispositionis", revokes and annuls "all and sindrie infeftmentis, feufermes, blancheis, takis, pensionis, feis, assignationis, free dischargeis, dispensationis, exceptionis, and uthiris dispositionis quhatsumevir, of his Hienes propirtie, casualteis, thridis of beneficeis, commoun kirkis, superplus and omittit, and uthiris thingis be the lawis and consuetude of this realme falling undir his Hienes revocatioun, with all licenceis for transporting of forbodin guidis maid be his Majestie or his predicessouris in ony tyme bigane preceding the date heirof." He ratifies the revocation made in Parliament at Lynlythgow in December last (1585, c. 20, iii. 382), and at Haliruidhouse upon 24th March last (*ante*, p. 58), and ordains the same to have effect for the year and crop 1586, "as is mair specialie expressit in his Hienes generall revocatioun maid undir forme of instrument the day and date heirof, to be ratifeit, approvit and confermeit in his nixtParliament, and to have full effect and executioun in the meantyme." There is to be proclamation at the market crosses of the head burghs inhibiting the lieges from paying any pension, fee or yearly duty furth of the rents of the King's property, casualties and collectory, to any person by whatever title he may claim the same, or from receiving the same "to thair privat use and commoditie," and commanding them "to answer his Hienes thesaurare, comptrollar, and collector, and thair deputis, thairof, and na utheris"; the command bearing further that, "gif ony have alreddy intromettit with the saidis rentis or ony parte thairof of this present yeir and crope," they are to "rander and deliver the same agane" to the said officers, notwithstanding any infeftments, decrees, or letters obtained in any time by-gone, or any charges or commands contained therein, except so much as shall be specially allowed to them by the King with advice of the Auditors of Exchequer, after the ministers' stipends and the public charges shall be provided for. Persons contravening this Act shall be compelled to "pay the same ouer agane," with costs, damages and interest; and the exporting of forbidden goods, notwithstanding any licences granted in the contrary, is discharged, under the pains contained in the laws and Acts of Parliament. Acta 1585–87. Fol. 70, a.

Holyroodhouse, 2nd Nov.

New charge to the Earl of Morton, Johnston of Dunskellie, and others.

Johnne, Earl of Mortoun, James Douglas of Drumlangrig, and Alexander Jardane of Apilgirth, on the one side, and Sir Johnne Johnnstoun of Dunskellie, on the other, are again summoned before the Privy Council on the 15th instant, to answer touching the breaking of the assurance *hinc inde* amongst them (*ante*, p. 109).

Acta 1585–87. Fol. 70, b.

As the persons above named, or some of them, may "peradventure pretend caus of excuse of thair non-comperance throw the proces of horne led aganis thame for sum caussis civile or criminale," they are relaxed from the horn till the 1st of December next, to the effect they may appear as aforesaid (cf. *ante*, p. 109). Holyrood-house, 4th Nov. Relaxation of said persons from the horn.

For quieting the Borders, his Majesty, with advice of his Council, has nominated Archibald, Earl of Angus, his lieutenant and justice "ouer all the boundis of this realme foiranent England," appointing to him 100 horsemen and 100 footmen, with their commanders, waged monthly as follows:—the captain of the horsemen, 100 merks; his lieutenant, £45; his cornet, £35; his furrier and 96 other horsemen, £20; captain "of chief of the futemen," £50; his lieutenant, £30; his "ensenzie," £20; two sergeants, £30; furrier, two "taboriis" and "phipper," £10 each; 95 soldiers, £6 each; "to the avancement of foure corporallis, saxtene pundis, and to the avancement of the haill cumpany amangis thame, thre scoir sax pundis, xiii ß. iiii ₰.: extending in the haill monethlie to ." Accordingly, Johnne Arnott, burgess of Edinburgh, collector of the taxation lately granted by the Estates (*ante*, p. 101), is to pay to the Earl of Angus the said sum monthly, beginning the first month on 1st November instant, and so forth monthly during the King's will. The Earl of Angus his Majesty's Lieutenant on the Borders: Act for payment of the horse and foot under him.

"The quhilk day the Kingis Majestie declairit that Gawine Johnnstoun come to his Hienes, directit fra the Lady Johnnstoun, with a letter quhairin credite wes committit to him. The effect of the said letter wes that sho, according to hir dewitie, culd do na les nor advertise his Hienes of ony thing that mycht perrell his Hienes persone and estate. Scho wes surelie advertissit, be a sure moyane, that the Erll of Angus and the Douglassis had tane sic ane suspitioun of his Majesteis lait dealing with the Lord Hammiltoun, quhairof they ar specialie informit be men that pretendis to knaw the verie inwartis of his Hienes secreitis, that his procedingis in that forme is upoun intentioun to wrak thame be casting thame in dissentioun; and thairfoir he is resolvit, in respect that he is informeit be the foirsaidis personis that his Majestie had not forgevin him with his harte, to use sum practize for remedie thairof. Latt his Hienes wisdome advise quhat way his Majestie thocht to prevene the same, and haist bak the beirare unto hir with his Hienes opinioun quhat tyme he thocht meit she suld cum and speik his Hienes selff, at quhat tyme sho suld latt him knaw the particularis at mair lenth. This sho doutit not his Majestie wald keip secrete frome all men and in speciall frome hir husband. The Lord preserve his Majestie frome all his oppin fayis and fenzeit freindis! Forder, that sho thocht nane sa meit to direct this letter with as the beirare, quha had provin a faithfull servand to hir and a gude subject to his Majestie.—The credite committit to Gawine wes this:—That the lady commandit him to schaw his Majestie that the Erll of Angus and the Douglassis wes pulsit up to this be thame quha advanceit thameselffs to be farrest in his Hienes secreitis, quha assuirit him sa fer of his Hienes grite haitrent towardis him that he and his freindis had The King's declaration of the purport of the letter he had received from Lady Johnston of Dunskellie, and of the nature of her message to him.

disperatlie said that thai suld rather venture all that thai had . Acta 1585-87.
to be banist, convict, and tryit in England, sen the Erll of Angus may
luke for na thing . his Hienes may and has commandit him
to assure his Hienes that it wes na brute . . .
quhairof scho had . ground as his Majesite suld knaw at
meting, and in faith . . . Hienes as sho spak to
him that hir authour suld have bene ane of the . . .
.—Subscribitur: JAMES R. This I afferme to be . . .[1]

Edinburgh, 5th Nov. Caution for Thomas Tait of Adamhill.

Caution by Robert Schaw of Halie for Thomas Tait of Adamehill, that he Fol. 71, a.
shall pay to Johnne Wallace of Cragy, bailie principal of Kyle Stewart, such sums for the taxation of his ten pound land of Adamhill and Knokindaill as shall be found due by him, besides the 50s. already consigned by him in the hands of the collector of the said taxation.

Edinburgh, 6th Nov. Caution for James and Henry Kinross.

Caution by James Striviling of Fedallis for James Kinros of Kippaneros, Henry Kinros of Kippaneraitt, and the tenants of the same, that they shall pay to Patrik, Lord Drummond, steward of Stratharne, the taxation of the ten pound land of Kippaneros, at the rate of 5s. per pound land, in case they ought to do so.

Holyrood-house, 7th Nov.

Sederunt—Archibaldus, Comes de Angus; Magister de Glammis, Fol. 70, a.
Thesaurarius; Thirlstane, Vice-Cancellarius; Pluscardin; Blantyre; Coldenknowis; Clericus Registri; Murdocairny.

Suspension of horning of Alexander Clark of Balbirnie.

Complaint by Alexander Clark of Balbirny, late collector of the taxation of £20,000, as follows:—Johnne Oliphant, keeper and writer of the treasurer's register, has, by virtue of the King's precept directed to the said Alexander, obtained letters charging the complainer to pay to him 100 merks, owing by him "of the rest of the said taxatioun being in his handis," within a certain time, under pain of rebellion, "and, for his allegeit dissobedience, hes alreddy, or at the leist intendis to, caus putt him to the horne." Now, "it is of veritie that the said complenare nevir acceptit the said precept, nor the payment of the said sowme contenit thairin, upoun him, and that he hes alreddy deulie and lauchfullie maid his compt of the said taxatioun befoir the Lordis of the chekker, and futit, endit and obtenit the same subscryvit be thame, and na parte of the same is fundin restand in his heid [? hand], as his comptis thairupoun can testifie." Yet, "for the bettir satisfactioun of the Lordis of Secrete Counsall", the complainer has found caution for the payment of the said sum if it be found due (*ante*, p. 109). On these grounds he craves suspension of the said letters of horning.—Johnne Oliphant failing to appear, though he had

[1] This singular entry, unfortunately defaced in parts, but intelligible in the main, explains the act of October 4 for the apprehension of Lady Johnston on a charge of lesing-making (*ante*, p. 108).

Acta 1585–87. been summoned, the Lords do suspend the said letters, "ay and quhill" they are produced and the said Alexander warned thereof.

Fol. 71, a. Complaint by Williame Cultellar of Auchinbany, Bartill Hereis in Hessilfield, and Henry Cultellar in Murrowland, as follows:—Having been charged to pay to Edward Maxwall, Commendator of Drumdenane, for his relief, their part of the taxation granted in 1585, they are now, for their alleged disobedience, put to the horn; "upoun quhilk horning certane personis, unfreindis to the saidis complenaris, evir bent to thair wrack, hes purchest letteris quhairwth Nicholl Newall, messinger, hes chargeit thame to pas and entir thair personis in ward within oure castell of , and to rander thair houssis and duelling placeis within a certane space mentionat in the saidis letters, undir the pane of tressoun." Now, "it is of veritie that they have maid compleit payment *bona fide* to the said Commendatar of thair pairtis of the said taxatioun, and hes reportit his acquittanceis thairupoun, as the same schawne to the Lordis of Secrete Counsall proportis; and swa, payment being alreddy maid be thame, the saidis letters ar wranguslie usit and execute aganis thame." Yet, "for the bettir satisfactioun of his Majestie", they have found caution to pay such sums as shall be found due for their shares of the said taxation (*ante*, p. 100). Accordingly, the letters should be suspended simpliciter. —The complainers appearing by James Thomesoun, their procurator, but neither Edward nor Nicholl appearing, the Lords do suspend the letters. Suspension of the horning of Cultellar of Auchinbany and others.

Fol. 71, b. Johnne Stewart of Appin having failed to present to-day, before the Justice in the tolbooth of Edinburgh, Johnne Oig M^{c}aneabricht in Glencone, Allaster Oig M^{c}aneabricht, his brother, Donald Oig M^{c}aneabricht, brother of Johnne Oig, elder, Gilchrist Roy, Robert M^{c}kanedwyn, Angus Moir M^{c}kgilliechallum, or to appear to underlie trial in the matter, as charged (*ante*, p. 99), the Lords ordain him to be denounced rebel. To denounce John Stewart of Appin for disobeying a summons.

Holyrood-house, 10th Nov.

Mr Petir Young of Seytoun, "his Hienes maister almossar," having explained to the King and Council the "forme of his proceedingis and negotiatioun with the Kingis Majestie of Denmark and his Counsall, according to the directionis and instructionis gevin and send with him be the Kingis Majestie," it is declared that the said Mr Petir "hes trewlie, honnestlie and diligentlie performed" his charge. Mr Peter Young reports his proceedings in Denmark.

The said Mr Peter Young is admitted to be a member of the Privy Council, and, being present, gives his oath of office in the usual terms.[1] Admitted of the Council.

[1] Mr Peter Young, who had been about King James from his Majesty's infancy as his Majesty's sub-preceptor under George Buchanan, and of whose doings at Court in other relations there are traces for the last fourteen years (see vols. ii. and iii. by Indexes), had been sent to Denmark in the preceding July, as Scottish envoy or ambassador, to prepare the way for the King's contemplated marriage with a princess of the Danish house. There is a letter of his, dated from Elsinore, July 30, 1586, giving an account of his arrival in Denmark and treatment there so far (Calendar of English State Papers relating to Scotland, p. 531). He is rewarded on his return by being made a Privy Councillor.

Edinburgh, 11th Nov. Caution for Thomas Brown and Archibald Boyd.

Caution by Williame Lyn, fiar of Bourtriehill, for Thomas Broun, burgess of Irwing, and Archibald Boyd . , that they shall pay to Johnne Wallace of Cragy, bailie principal of Kyle Stewart, such sums as shall be found owing by them for their parts of the late taxation of £15,000 for their lands following, viz., the said Thomas for his £3, 6s. 8d. land of Erarchill, and the said Archibald for his £7, 6s. 8d. land lying within the said bailiary,—viz., 4 merk land of Harrikhill, 3½ merk land of Knokindaill, 2 merk land of Invir Elmtoun, and 30s. land of the Mains of Elmtoun,—besides the sum of 16s. 8d. already consigned by the said Thomas, and the sum of 39s. 2d. by the said Archibald, in the hands of Johnne Arnott, collector of the said taxation. Acta 1585–87. Fol. 72, a.

Edinburgh, 12th Nov. Caution for the Master of Eglinton.

Caution by the said Williame Lyn for Robert, Master of Eglintoun, that he shall pay to the bailie above mentioned the taxation of the 21 merkland of Langdreghorne and of the lands of Torboltoun of Drumley, in case he shall be decerned to do so.

Holyrood-house, 16th Nov.

Sederunt—Joannes, Dominus Hammiltoun; Archibaldus, Comes de Angus; Franciscus, Comes de Bothuill; Thirlstane, Vice-Cancellarius; Adam, Episcopus Orcadensis; Magister de Gray; Culrois; Neubottle; Pluscardin; Coldenknowis; Clericus Registri; Robertus Melvill de Murdocarny; Lynclouden, Collector.

Proclamation for muster of fencibles at Peebles and Dumfries.

The fencibles benorth and besouth the Month having been charged by open proclamation to meet the King or his lieutenant at certain places and upon certain days for punishing offenders inhabiting the north and south Isles, the Highlands, and the countries adjacent to the Borders (*ante*, p. 92), the King and Council, for preventing of "the inconvenient liklie to follow" from their misconduct, and for "redres of his Hienes gude subjectis offendit unto," appoint a justice court to be held in the tolbooth of Drumfries upon December next. As it is necessary "that his Hienes, or his lieutennent to be direct to the same effect, be weill and substantiouslie accumpanyit with a force of his Majesteis faithfull and gude subjectis," proclamation is ordered at the market crosses of the head burghs of the shires of Beruik, Roxburgh, Selkirk, and Peblis, charging the fencibles within the said bounds to meet the King or his lieutenant at the burgh of Peblis, upoun 1st December next, well armed and provided with 20 days' victuals, and the fencibles within the shires of Drumfreis, Wigtoun, and stewartries of Kirkcudbrycht and Annanderdaill, to convene at the burgh of Drumfries upon 3rd December, provided with 20 days' victuals, for punishing and repressing the "thevis and disordourit personis," and quieting the country, "undir the pane of tinsall of lyff, landis, and guidis."

To denounce certain persons charged with destroying young trees.

Complaint by Mark, Commendator of Neubottle, as follows:—Williame Walkar, Thomas Tait in the Isle of Endirlething, Johnne Thorbrand, servant of the Laird of Horsburgh, elder, Alexander Tait in Innerlethane, James Fol. 72, b.

Acta 1585-87. Horsburgh there, George Tait there, Johnne Tait, *alias* Johnne of the Kyll, there, Johnne Andersoun, "dryvare" there, George Tait, son of James Tait there, Johnne Horsburgh there, Williame Horsburgh in Hilhous, George Tait on the Grene there, James Watsoun there, Thomas Purves there, with their accomplices, "hes thir divers yeiris bigane, and specialie in the moneth of , come to the said complenaris wode of the Ley, and cuttit and distroyit the grene young growand treis thairof, and peillit the bark of the same, and as yit daylie and continwallie cuttis and distroyis the saidis treis and peillis the bark thairof, expres contrare the tennour of the Actis of Parliament maid thairanent, and to the grite hurte of the policey of this realme: committand thairby oppin and manifest oppressioun upoun the said complenare, not sa mekle to his hurte as to the hie and proude contempt of his Majesteis authoritie and evill example to uthiris."—The defendants failing to appear, while the Commendator appears personally, are to be denounced rebels.

To denounce the Lairds of Hunthill and Ancrum, and others, for not answering a charge of interference with the rights of the Commendator of Melrose.

Complaint by Thomas, Master of Glammis, Treasurer, Mr David M°kgill of Nesbitt, King's Advocate, and James, Commendator of Melros, for his interest, as follows:—In October last, Williame Ker of Cesfurde, Andro Ker of Fairnyhirst, Johnne Rutherfurde of Hunthill, Johnne Allansoun, Williame Ruthirfurde, called Gray Will, James Anislie, Williame Ruthirfurde, all bailies of Jedburgh, Dand Moscrope in Jedburgh, James Eleis, saddler there, with convocation of the lieges, "all bodin in feir of weir, with displayed baner," and wearing weapons forbidden to be used by the laws, came to the town of Langnewtoun "to have stopped the said Commendatar fra teinding and leiding his teyndis thairof", and ought to be punished accordingly.—Johnne Ruthirfurde of Hunthill, Williame Ker of Ancrum, Thomas Ruthirfurde, younger, of Hunthill, Dand Moscrope, and James Eleis, having been summoned to answer, under pain of rebellion, but not appearing, while the pursuers appear by Sir Robert Melvill of Murdocarny, are to be denounced rebels.

Edinburgh, 18th Nov. Caution for Hew Somerville.

Caution in . hundred merks by Johnne Carmichaell of that Ilk for Hew Somervile, one of the archers of the King's Guard, that he will not harm Johnne Levingstoun of Belstane, his tenants or servants.

Fol. 73, a. Caution for the Chanter of Moray and others.

Caution by James Colvill of Eister Wemys and David Dundas of Preistisinche for James Dundas (? Dunbar), chanter of Murray, and Patrik Dunbar of Blarie, in 1000 merks "aither of thame", for Thomas Dundas in 500 merks, and for Johnne Dundas, James Dundas, Johnne Dik, Hierome Troupe, and Thomas Portarfeild, in 300 merks each, that they will not harm Dame Annas Keyth, Countess of Ergyle, her tenants or servants.

Holyroodhouse, 21st Nov. Band for town council and deacons of crafts of Perth.

Band presented for registration by Mr Patrik Quhytlaw of New Grange, and Robert Andersoun, burgess of Perth, acting for themselves and as procurators for the persons undermentioned:—Caution in 5000 merks by Mr Patrik Quhytlaw of Newgrange, Robert Andersoun, merchant, George M°kgregour, *alias* Johnnstoun, skinner, and Williame Hall, baxter,

burgesses of Perth, for the provost, bailies, council and deacons of crafts of the said burgh, that James, Earl of Gowry, Dame Dorathie Stewart, Countess of Gowry, his mother, for herself and as tutrix testamentary to her said son, and their tenants and servants, shall be harmless of the said persons in their bodies, lands and goods. Subscribed at Perth, 4th November 1586, before these witnesses: Dioneis Conquerour, Henry Adamsoun, Williame Andirsoun, merchants, Henry Eldare and Adam Brusoun, notaries, burgesses of Perth. Acta 1585–87.

Band for guarantee of the cautioners above named.

Act presented for registration by James Prymrois, procurator for the corporation of Perth, dated 4th November 1586, and to the effect that the provost, bailies, council and deacons of the crafts of Perth, convened in the Council house of the said burgh, considering that the persons above named became cautioners for them in 5000 merks to the purpose specified, bind themselves to warrant and keep skaithless their foresaid cautioners and their heirs of "the said cautionarie and all that may follow thairupoun." The Act is extracted from the council book of Perth by Henry Eldar, notary, clerk of the said burgh. Fol. 73, b.

Holyrood-house, 23rd Nov.

Arrest to be put upon wines till his Majesty's needs are supplied.

A macer or other officer of arms is ordered to arrest all wines imported or to be imported this year, belonging to whatsoever person, the same to remain unsold in whole or in part till so much thereof be "waillit, taistit, markeit and intromett it with" by the King's symlar as shall be thought necessary for the use of the royal household, "upoun ressonabell pryceis to be payit thairfore."—(See similar orders, vol. iii. pp. 116, 248.)

Act against exporting forbidden goods.

As a great number of persons continue daily to export coal, salt, tallow, victual, and other forbidden goods, notwithstanding the divers Acts and proclamations made to the contrary, by which all licences granted for exporting the said goods were expressly revoked (*e.g.*, *ante*, p. 104), and as his Majesty is resolved to "tak away, sa far as is possible, all occasioun of forder derth, quhilk be sum licenceis, previlie and inoportunelie purchest of lait, hes gritlie incressit," therefore, with advice of his Council, he again revokes all licences already granted or that shall hereafter be granted for exporting the same forbidden goods, and orders intimation to that effect to be made by proclamation at the market crosses of the burghs. The penalty is to be confiscation of the goods and of the ships or boats in which they shall happen to be exported, together with the moveables of persons offending; and the magistrates of burghs are commanded to make "diligent serche" for such persons, and to commit them to ward, delivering their goods to the King's treasurer.

Holyrood-house, 25th Nov.

Sederunt—Mar; Thirlstane; Thesaurarius; Episcopus Orcadensis; Culrois; . . .

To denounce William Cuthbert and others for

Complaint by Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son, as follows:—Johnne Lindsay, brother of David, Earl of Craufurde, and Andro Pigott, were put to the horn for not repossessing the complainers in Fol. 74, a.

Acta 1585–87. the lands of Ballinsho and Wodheid, from which they had been ejected during the "lait troublis." Also, Johnne Huntar and Johnne Wilsoun were put to the horn for not finding caution that the complainers should be harmless of them. Now, upon the denunciation of the said Johnne Lindsay and Andro Pigott, James Bonar, sheriff-depute of Forfar, conform to the charge given to him, entered the complainers in the lands above mentioned, and they have possessed the same since that time. But the persons foresaid have "maist contempnandlie" remained at the process of horning since their denunciation, "lyke as thay do yit, unrelaxt thairfra, takand na regaird thairof; like as, to the forder contempt of his Majestie, thay dalie and continewalie molest and trouble the saidis complenaris, thair tenentis and servandis, in the possessioun of thair landis foirsaidis, reffis and awaytakis thair oxin, cattell and guidis, brakis thair plewis, bostis, dingis and persewis thair tennentis and servandis in sic sorte as thay dar not remane at the saidis landis, occupy nor labour the same, for feir of thair lyveis: quhairthrow the same landis lyis waist. And upoun the day of Julii last, the personis foirsaidis, rebellis, come to the saidis landis of Ballinsho and Wodheid, and sercheit and socht the saidis complenaris for thair slauchtar; and, seing thay culd not apprehend thame, thay dang, hurte and woundit thair wyffis and bairnis. Like as thai ly all tymes at awaitt for the saidis complenaris, umbesettis thair wayes, and levis na thing undone that lyis in thame to bereve thame of thair lyveis, they takand the gritare bauldnes thairunto be ressoun that not onlie ar thay ressett, intertenyit, and kepit in the lugeingis of David Gardin of Leis, youngare, Alexander Strawquhane of Brigtoun, Johnne Rid in Garbabak, Williame Cuthbert, James Grig, Johnne Adam, eldar, Johnne Adam, youngar, James Wilky, David Skirling, James Gibsoun, Wilky in Bow, bot ar fortifeit, steirit up and furnist be thame; quha alswa sendis oute thair awne servandis in cumpany of the saidis rebellis, to assist thame in thair unjust pursute and manifest oppressioun of the saidis complenaris. Like as thay thameselffis onputtis thair cattell and guidis upoun the saidis complenaris medois, hanyngis and growand cornis, eitis and distroyis the same, castis up thair eird and mossis, leidis thair pettis and dovettis."—Williame Cuthbert, Johnne Adam, elder, Johnne Adam, younger, James Wilky, and James Grig, having been summoned to answer, but failing to appear, while Henry Ogilvy appears for himself and for his father, are to be denounced rebels.

non-appearance to answer a charge of outrages against the Ogilvys of Ballinsho.

Complaint by Mr Thomas Douglas, minister at Balmerinoch, as follows: —Upon 10th May 1584, "being Sonday," the complainer "cuming fra the kirk of Balmerinoch, quhairat he had bene dischargand his office and cure, toward Sanctandrois, in quiet and peceable maner," Johnne Forrett, brother-german to David Forrett of that Ilk, and Johnne Young, his servant, "umbesett the said complenaris way at ane pairte thairof callit the Gowlis den, quhair thay had lyne at awaitt for his cuming by three houris eftir sermone, and thair maist cruellie and unmercifullie invadit and persewit him for his bodilie harme and slauchtar, hurte and woundit

To denounce John Forrett and John Young for not answering a charge of assault on Mr Thomas Douglas, minister of Balmerino.

him in the schouldare, to the effusioun of his blude in grite quantitie, and did that lay in thame to have slane him"; which "thay had not faillit to have accomplissit wer not they wer stayed be sum personis that intervenit and red him oute of thair handis." Such conduct against the complainer, "being a minister and preichear of the evangell, quhome thay utherwayes suld have estemit of and reverenceit," will be "to the evill example of uthiris wicked and godles personis to attempt the like insolence aganis the ministerie and messingeris of God, gif this be sufferit to remane unpunissit."—Mr Thomas Douglas, minister at Balmerinoch, the pursuer, appearing personally, Johnne Forrett and Johnne Young, the defenders, failing to appear, are to be denounced rebels. Acta 1585-87. Fol. 74, b.

To denounce Johnne Nukell for assaulting the minister of Birse.

Complaint by Robert Lindsay, minister of Birs, and Jonnett Ferquhar, his spouse, as follows:—Upon 4th July last, Thomas Burnett, son of Robert Burnett, came, "be way of hamesuckin, undir cloude and silence of nycht, to the dwelling place of the complainer at the kirk of Birs, where the said Jonnett then "wes for the tyme in peceable and quiet maner," and there "maist cruellie and unhumanlie invadit and persewit hir, and struke hir with ane battoun upoun the heid and uthiris pairtis of hir body, to the effusioun of hir blude in grite quantitie, without ony occasioun of offence or injurie." Farther, on the 20th of September last, the said Robert Burnett, Thomas Burnett, his son, Johnne Chopman, Andro Schipart, Johnne Nukell, Williame Charlis, Johnne Barrie, Robert Burnatt, Williame Findlo, *alias* Eddie, with convocation of the lieges, to the number of 13 or 14 persons, armed with weapons prohibited to be worn by the laws, "come to the kirk glebe of Birs, quhair the said complenare wes for the tyme in quyet maner at his study, truisting to have ressavit trouble nor injurie of na persone, and thair maist cruellie and unmercifullie invadit and persewit him for his bodilie harme and slauchtar, struke him upoun the heid with ane Jedburgh stalff and clave his harne-pan thairwith; like as the said Thomas brak ane Jedburgh stalff upoun him, and left him lying for deid, surelie beleving he had bene deid, uthirwayes thay had not left him quhill thay had bereft him of his lyffe." The same persons "in thair preconsavit malice and haitrent" continually "ly at awaitt" for the complainers, "quhairthrow they dar not oppinlie resorte nor repair in the cuntrey, nather dar the said Johnne [? Robert] repair to his awne kirk for discharge of his office thairat for feir of his lyff." The said Johnne Nukell having been summoned to answer, but not appearing, while the complaining minister appears personally, the order is denounce Nukell rebel.

The Earl Marischal against Keith of Ludquharne; a private writing under the King's subscription in Keith's favour declared invalid.

Complaint by George, Earl Marshaell, as follows:—Alexander Keyth, son of Williame Keyth of Ludquharne, and Mr Samuel and George Keyth, sons of Mr Archibald Keyth, parson of Crudane, were put to the horn for not finding caution that the complainer should be harmless of them in time coming; and ever since they were denounced they have remained at the horn "maist proudlie and contempnandlie," having no regard to the process, but travelling throughout the country just as if they were free

Acta 1585-87. lieges. Further, the rebels abovewritten are "ressett, intertenyit, and kepit in cumpany and houshald with the said Williame Keith of Ludqu-
Fol. 75, a. harne," who "hes, maist previlie and extraordinarlie, upoun inoportune sute and sinister informatioun, purchest ane writting, undir his Majesteis subscriptioun allanerlie," empowering him to reset and receive in his household the foresaid persons. "Undir cullour of the quhilk writting the said William Keith of Ludquharne and the personis foirsaidis, rebellis, with uthiris thair associatis and confederatis, for the maist parte lawles and brokin men, continualie keipis trystis and metingis within the house of the said Williame Keith, consultis and devyses all kynd of oppressioun, reif, and stowth upoun the said Erllis tennentis and servandis, and at all tymes, as thay may have the commoditie, puttis the same to executioun. And, albeit the said Erll mycht nocht onlie withstand and resist thair oppressioun and injurie, bot repair the same with the lyke or gritare, yit, for the reverence he beiris to his Majestie, perswading himselff of remeid at his Hienes handis, he hes abstenit to do the same."—Parties having been called, and the Earl Marshaell appearing by Mr James Wardlaw, his procurator, and the said Williame Keith appearing personally, "quha allegeit that the said writing wes grantit be the Kingis Majestie upoun gude consideratioun tending to the quyetnes of the cuntrey and for eschewing of trouble," the reply for the Earl by the said procurator was that, "as the same wes purchest outwith counsall to foster rebellis in thair rebellioun and to stop the ordinare forme of executioun of the lawis," it should therefore "be decernit null and to have no force nor effect in tyme cuming." The allegation and answer having been considered, the Lords do decern the said writing to be null, because it was "previlie and sinisterlie purchest," and "inconsideratlie" granted by the King himself "allanerlie," without advice of his Council, and without subscription of "the ordinare officiar to quhome sic thingis propirlie appertenis."

Edinburgh, 26th Nov. Caution for Robert Thomas and Burnett.

Caution by Alexander Burnatt of Leyis in 1000 merks for Robert Burnatt, and in £500 for Thomas Burnatt, his son, that Robert Lindsay, minister at the kirk of Birs, and Jonnett Ferquhare, his spouse, shall be harmless of them in their bodies and goods.

Caution also by the same for the same, "ather of thame" in £200, that they shall answer, when required upon 15 days' warning, for assaulting the said minister and his wife Katherene (? Jonnett) Ferquhar.

Holyrood-house, 28th Nov.

Sederunt—Thirlstane, Vice-Cancellarius; Magister de Glammis, Thesaurarius; Episcopus Orcadensis; Magister de Gray, Commendatarius de Dunfermling; Culrois; Coldenknowis; Murdocairny.

Fol. 75, b. Complaint by the Archers of the King's Guard, as follows:—"It is notour to his Majestie how thay have diligentlie and treulie servit and

The Archers of the King's Guard against Collector of taxation: decision in favour of the Guard.

attendit upoun his Majestie this lang tyme bigane, without reproche or offence to be inputt to ony of thame; like as they mynd swa to continew to thair lyveis end: in quhilk service not onlie have thay engageit and putt in hasard thair awne moyane and credite, bot alswa hes sauld and maid penney of that small portioun of leving quhilk thay had uthirwayes providit unto thame, for the furtherance and furthsetting of his Majesteis service; swa that now thay ar brocht to that necessitie and extremitie that thai ar not able to sustene thameselffis ony langare." The King, in consideration of these facts and that five months' pay was due to each of them, had directed his precept to Johnne Arnott, collector of the present taxation, extending to £4000, for paying to the complainers the sum of £3000; but, though they had presented the precept to the collector, he would neither pay the sum abovewritten, nor deliver to them a sufficient assignation in lieu thereof.—Johnne Arnott, having been warned to answer and to produce the "rollis of the said taxt," appears personally, and alleges that the said rolls are in the hands of the Bishop of Murray, or Archibald Prymrois, "quha, being requirit, refusit to deliver the same to him." The said allegation, and answer made to the same by Williame Hume, lieutenant of the Guard, having been considered, the Lords ordain the said Collector to pay, under pain of rebellion, within three days after being charged, the foresaid sum to the complainers "or ellis to assignne to thame the taxatioun of sic provinceis, haill and togidder, without exceptioun or separatioun of ony parte thairof, as will extend to the said sowme"; and George, Bishop of Murray, and Archibald Prymrois, are commanded, under pain of rebellion, within 24 hours after being charged, to deliver the said rolls to the Collector for his relief, to the effect he may give the said assignation. Acta 1585-87.

Caution for Robert Lindsay, minister.

Caution in 500 merks by Johnne Lindsay of Covingtoun for Robert Lindsay, minister at the kirk of Birs, that Robert Burnett in Drumneachie, his tenants and servants, shall be harmless of him.

Edinburgh, 29th Nov. Caution for David Fullarton of Corsbie and others.

Caution by David Dunbar of Daldork for David Foullartoun of Corsbie, Margaret Hammiltoun, Lady Adamtoun, and James Blair of Ladyland, that they shall pay to Johnne Wallace of Cragy, bailie principal of Kyle Stewart, such sums as shall be found to be due by them for the taxation of their lands lying within the said bailiary, over and above the following sums consigned by them in the hands of Johnne Arnott, collector of the said taxation,—viz., £7, 10s. by David Foullartoun, £5, by Margaret Hammiltoun, and 10s. by James Blair.

Holyrood-house, 30th Nov

Sederunt—PRESENTE REGE—Joannes, Dominus Hammiltoun; Archibaldus, Comes de Angus; Andreas, Comes de Rothes; Thirlstane, Vice-Cancellarius; Magister de Glammis, Thesaurarius; Patricius, Magister de Gray; Adam, Episcopus Orcadensis; Culrois; Neubottle; Coldenknowis; Clericus Justiciarie; Clericus Registri; Robertus Melvill de Murdocarny. Fol. 76, a.

Acta 1585–87. Complaint by Sir Johnne Ogilvy of Inverquharratie, as follows :—He is ordered to pay to Alexander Stewart of Brighous the sum of 300 merks for his daily charges during his remaining in ward in the castle of Blaknes, within 10 days after being charged, under pain of rebellion. But Dame Marie Stewart, eldest daughter of Robert, Earl of Orknay, having, as donator of a part of the late James, Earl of Mortoun's, escheat, obtained a decreet transferring "ane contract" made between the said Earl of Orknay and his cautioners, on the one part, and the said late Earl, on the other part, as cautioner in 12,000 merks for the said Earl of Orknay, has arrested in the complainer's hands the sum of 300 merks owing by him to the said Alexander Stewart. Now, "the said complenare is content to mak payment of the said sowme to ony ane of the saidis twa pairteis haveand rycht thairto, and aucht not be compellit to mak dowble payment thairof."—Dame Margaret Stewart and Alexander Stewart having been summoned before the Council "to have hard and sene ordour tane heiranent as appertenis," and parties having been called, the complainer appears by his son Alexander, and the said Alexander Stewart appears personally. The last having "produceit ane letter" subscribed by Patrik, Master of Gray, spouse of the said lady, consenting to the loosing of the arrestment of the said sum on caution being found that the "samin suld be furthcumand to thame as law will," the Lords, in respect of the said letter, ordain the complainer to deliver the 300 merks to Alexander Stewart, the said Alexander having found caution as required.

Complaint of Sir John Ogilvy that a sum of 300 merks, due by him to Stewart of Brighouse, has been arrested in his hands by another party.

Caution by Thomas Ottirburne of Reidhall for Johnne, Earl of Athole, that he shall enter, on 15 days' warning, his accomplices in the feud between him and George, Earl of Huntley, before the Justice in the tolbooth of Edinburgh, to underlie the law for their crimes, under the pains contained in the Acts of Parliament, and farther under the pain of £20,000 in case he shall not enter the person or persons exempted from the said Earl of Huntley's jurisdiction of lieutenandry.

Caution for the Earl of Atholl in a matter between him and the Earl of Huntly.

Fol. 76, b. Complaint at the instance of the whole inhabitants of the burghs of this realm, as follows :—It is not unknown to the King and Council "quhat grite proffite and commoditie hes redoundit to all esteatis of personis within this realme be the trade of fisheing in the North pairtis and Iles of the same, seing thairby not onlie ar his Hienes customes greitlie advanceit, besyde the furnissing of his awne houssis and the houssis of all esteatis of personis within this realme, be the said fisheing upoun ressonable pryceis, bot als the idill men and vagaboundis, quhilkis utherwayes wald be sustenit as idill belleis on the sueit of uthir menis browis, ar be thair awne wark and labour sufficientlie furnissit and uthirwayes brocht to ane civile forme of leving, to the grite ease and commoditie of the commounwelth of the cuntrey. Quhilk being foirsene be his Majesteis maist noble progenitouris, King James the Fyft, and thaireftir be the Quene Drowreare, regent of this realme for the tyme, they wer not onlie maist cairfull to bring the said fischeing to practise, bot sum of thame be thair awne presence in the saidis pairtis did quhat in thame lay to repres all sic as maid hinder-

Complaint by the united burghs of the realm against a number of Highland chiefs for obstructing the fisheries in the northern parts, and making extortionate exactions from the fishers.

ance thairto ; swa that, be interponing thair authoritie, the saidis com- Acta 1585–87.
plenaris and thair predicessouris occupiit the said trade of fisheing frelie and without impediment, for payment of every last of fisheis to be had in the saidis Iles to the maister of the ground, for ground leave, anchorage, and all uthir asiamentis and dewteis, iii s. iiii d. onlie, by and attoure his Majesteis ordinare customes pait to his Hienes custumar at ane free porte befoir thay ressave thair coquett, according to the lawis and Actis of Parliament." Nevertheless "Donald Gorme in the Sky, M^c^Cleud [of] Hereis thair, Johnne M^c^Kynnand of Lochslaban, James M^c^kconnell of Sklaittay, Doull M^c^Kanzie of Lochtames, Rory M^c^kalland of Lochgair, Hucheoun M^c^kgillespy of Trauternes, Duncane Rawsay of that Ilk, Johnne M^c^kanzie of , Rory M^c^kanzie of Lochgarlin, Ganyeoch M^c^kmurroquhy of Glansgaroy, Donald M^c^kado, baillie at the Logy, Allaster Neilsoun, Coline M^c^Kanzie of Kintaill, Torquell M^c^cloyd of the Cogoych, Robert Monro of Fowlis, Rory M^c^cleud of Lewis, M^c^cleud, heretour of the landis of Lochgair, Allastar M^c^allastar M^c^ky, James M^c^kinmoir, Neill Angussoun, the Laird of Trouternes, and certane uthiris cuntreymen adjacent and duelling in they pairtis, mynding appeirandlie to prejuge the haill cuntrey of this commoun benefite, have of lait, by thair accustomat forme, rased grite exactionis, baith of victuall and money, upoun the saidis complenaris; howbeit, be Act of Parliament, it is expreslie statute and ordanit that all sic customes and exactionis be dischargeit, and not rasit nor upliftit fra the personis quha trafficques be taking of the same fisheis, undir the panes to be callit as oppressouris and punist thairfore, conforme to the lawis of this realme, except the payment of the fishearis allanerlie and his Majesteis custumes, as said is. For the saidis personis hes laitlie, be thair bailies and servandis, of thair directioun and command, at thair awne handis compellit the saidis complenaris to pay for the ground leave of every last xx s. and to thair baillies iiii s., with ane firlott of meill, ane porte galloun aill, extending to three gallownis aill and iiii d. for the stane of ilk barrell, and for the wair pullit be thameselffis quhairwith the same is coverit iiii s. for ilk last, by and attour ane barrell of aill and ane barrell of salt. And, albeit the saidis complenaris have biggit thair houssis of thair awne tymmer and cover the same with thair schip saillis for saulftie of thair geir fra the rayne, they compell the saidis complenaris to pay aucht pundis, evin as thay had biggit the same upoun thair awne expenssis. And siclike the saidis personis and thair baillies compellit the saidis complenaris to answer to thair courtis ; and, gif thay putt thair nettis in his Majesteis watteris but thair licence, thay unlaw and poindis thair guidis at thair plesure. Likeas thai and thair servandis of thair command, as said is, and uthiris brokin men of the cuntrey, sornaris, resortis at all tymes to the saidis complenaris, and not onlie consumis thair victuallis, bot steillis thair nettis, and sumtymes maisterfullie and perforce revis the same. And, albeit, for hastie expeditioun of thair voyage, they ar accustomat to by small bottis, of intentioun at thair depairting to sell thame agane, yit the saidis complenaris ar com-

Acta 1585-87. pellit be the saidis personis and thair foirsaidis to delyver the same to thame, and ressave quhat they pleis gif, fer within the just availl and price thairof; and, gif thay cast thair ankeris in the watteris, thay ar constranit to pay to thame, in name of anchorage, vi s. viii d. Be the quhilk forme of doing the saidis complenaris ar havelie hurte and ar not able onywayes to trafficque in thair lauchfull busynes and effearis in they watteris as his Majesteis free legis, to the grite contempt of his Hienes authoritie and evill example to uthiris to committ the like, gif this remane unpunissit." —The Highland men above named having been summoned, under pain of

Fol. 77, a. rebellion, to answer, and to find caution that the complainers, while exercising the lawful traffic of fishing in the north parts, shall be harmless of them "in the peceable fischeing in the saidis wattaris," make no appearance, while the complainers appear by Alexander Young, their procurator. The Lords therefore ordain the said Highland men to be denounced rebels.

Act forbidding the export of the herring of Lochbroom and other northern parts.

The King and Council have been considering "the lamentable complaintis of the pure handy labouraris, and uthiris his Hienes gude subjectis, oppressit and depauperat for the maist parte throw the avaricious dealing of certane privat personis, quha, for thair awne particular advancement and prevey gayne, transportis daylie furth of this realme vivers and uthiris necessaris, be the quhilkis the bodyis of the saidis pure labouraris and thair famileis suld be sustenit." Such persons, "besydis this thair unlesum and foirbiddin trade," are "sa fer addictit to thameselffs, without respect to the commounweill, that quhairas that commoun benefite had yeirlie, be the fisheing of Lochbrume and uthiris the North ylis, wer accustomat to be brocht in thir pairtis in this seasoun of the yeir, and a grite [part ?] thairof sauld for furnissing of his Hienes house, and of the houssis of all esteatis of personis within this realme, the same fisheing brocht in this yeir be the inhabitantis of the coist syde ar, notwithstanding, not onlie retenit within schipburde, and refusit to be sauld in haill or in parte, bot be the awnaris thairof is to be transportit furth of this realme to the pairtis beyond sey, without respect to the present derth, quhilk daylie incressis, or ony uther inconvenient to follow. Like as, undir cullour of furnissing of thame in thair voyageis, thay have ressavit within schipburde a grite quantitie of victuallis and uthiris guidis prohibite be the lawis of this realme, fer surmonting thair necessar furnissing to the pairtis quhairunto thay ar preparit; howbeit, the present derth and scairstie of fisheis in the west pairtis of this realme being now considerit, it is thocht that the said fisheing of Lochbrume, this present yeir, may not be spairit, bot of necessitie mon be retenit, at the leist samekle thairof within this realme as may serve for the furnissing of all esteatis of personis within the same." Therefore, the owners of the said fishes, and especially of the herring of Lochbrume, and the mariners and owners of the ships now laden with them, are to be charged by open proclamation at the market crosses of Edinburgh, pier and shore of Leith, Brynt Iland, Kinghorne, Dysart, Pettinweyme, Anstruther, Carraill, Sanctandrois, and other places necessary, "to los and disburdin thame of the same fisheis and hering"

within 48 hours after the publication of the present Act, "and thaireftir sell and mak penney of samekle thairof as necessarlie will serve for furnissing of the cuntreyis nixt adjacent upoun ressonable prices." After such "furnissing" it shall be lawful to freemen only to export the remanent fishes unsold; but all unfreemen are prohibited from exporting any fish, either before or after the said furnishing, under pain of confiscation of their fishes, of the ships employed in exporting the same, and of their remanent moveables. The provost and bailies of the burghs are charged "to see the premissis observit and kepit in all pointis." Acta 1585–87.

Prorogation of the Justice Courts appointed to be held at Jedburgh and Dumfries.

By reason of the "grite and wechtie materis concerning the Kingis Majestie and this his realme," a Convention of the Estates is appointed to be held at Edinburgh upon 15th December next; "fra the quhilk becaus nane of the principallis of his nobilitie may be spairit, his Majestie is movit not onlie to prorogat the first dyet appointit for meting of the forceis within the boundis of the Marcheis foiranent England to the first day of Januar nixt to cum" (*ante*, p. 114), but also to employ Johnne, Lord Hammiltoun, as lieutenant of the West March, for holding justice courts at Drumfreis, beginning upon the day to which prorogation is made, viz., 1st January next, and Archibald, Earl of Angus, lieutenant of the East and Middle Marches, for doing so at the burgh of Jedburgh on the same day, "sen the tyme sufferis not that all can be ouertane be ane persoun." Intimation to this effect is to be made to all within the shires of Berwick, Roxburgh, Selkirk, Peblis, Drumfreis, Wigtoun, stewartries of Kirkcudbrycht and Annanderdaill, by open proclamation at the market crosses of the head burghs of the same; and the fencibles within the shires of Berwick, Roxburgh, Selkirk and Peblis are commanded to meet the Earl of Angus at Jedburgh on 1st January next, armed and provided with 20 days' victuals, and the fencibles within the shires of Drumfreis, Wigtoun, stewartries of Kirkcudbrycht and Annanderdaill, to meet Lord Hammiltoun at Drumfreis on the same day, so armed and provided, "for punissing and repressing of the saidis thevis and disorderit personis and quieting of the cuntrey to his Hienes obedience, undir the pane of tynsall of lyffe, landis and guidis." Fol. 77, b.

Payment of £3000 to the Guard.

Johnne Arnott, collector of the late taxation of £15,000, is commanded to pay to Thomas, Master of Glammis, Treasurer, and captain of the Guard, the sum of £3000, "to be applyit to the payment of the Gaird" (*ante*, p. 119).

Edinburgh, 30th Nov. Caution for Mr David Wemyss, minister.

Caution by Johnne Gilchrist of Sandiefurde for Mr David Wemys, minister at Glasgow, that he shall pay £22, 6s. 8d., for the tax of the parsonage of Glasgow, to David Grahame, messenger, or to Johnne Arnott, collector of the late taxation, "according to the declaratour to be gevin be the Lordis of Secrete Counsall thairupoun."

Caution for Walter Newton and others.

Caution by Johnne Lyoun of Cossynnis for Walter Newtoun in Colhaak, Patrik Newtoun, his son, Marjorie Farar in Englishtoun of Essie, and Johnne Ker, her son, in 500 merks each, that Williame Baxtar in Mekle Kainy, his tenants and servants, shall be harmless of them in

Acta 1585-87. Fol. 78, a.

their bodies and goods,—the said Walter and Alexander Ogilvy of Kirkhillokis relieving Lyoun of his caution for the said Walter and Patrik, and Johnne Bonar of Lumquhat and Johnne Lyoun in Rochalhill relieving the said Johnne Lyoun of his obligation for Marjorie Pharare and Johnne Ker, her son.

Caution for Walter and James Pharar.

Caution by James, Master of Ogilvy, for Walter Pharare in Schannobie and James Pharare, his son, in 500 merks each, that Williame Baxter of Mekle Kainy, his tenants and servants, shall be harmless of him,—the said Walter and James and Walter Newtoun in Colhaak relieving the cautioner of his obligation.

Edinburgh, 1st Dec. Caution for Stewart of Brighouse.

Caution by Alexander Uddart, burgess of Edinburgh, for Alexander Stewart of Brighous, that on receipt of the 300 merks due to him by Sir Johnne Ogilvy of Inverquharratie he shall deliver the same to Dame Marie Stewart, daughter of the Earl of Orkney and spouse of Patrik, Master of Gray, or to any other having right to the same (*ante*, p. 121).

Edinburgh, 2d Dec. Caution for Pitscottie of Luncarty and others.

Caution by Johnne Ros of Cragy for David Petscottie of Loncardie, Johnne Petscottie, his bastard son, Andro Merschaell, sometime messenger, Thomas Harlaw in the Myretoun of Loncardie, and Johnne Andersoun, burgess of Perth, in 500 merks each, that Johnne Petscottie, lawful son of Edmond Petscottie, his tenants and servants, shall be harmless of them.

Edinburgh, 5th Dec. Caution for Abraham Crighton and others.

Caution by Gilbert Raa, burgess of Perth, for Abraham Creichtoun in Camnay, in 500 merks, and for Adam Creichtoun, his son, and Thomas Futhie, younger, in 300 merks each, that they shall answer before the Council upon the 10th of January next to the complaint made against them by Johnne Lovell of Bandoch.

Fol. 78, b.

Edinburgh, 6th Dec. Caution for William Young.

Caution in 500 merks by James Sandielandis, burgess of Edinburgh, for Williame Young at the Kirktoun of Loncardie, that he will not harm Johnne Petscottie, lawful son of Edmond Petscottie, or his tenants and servants.

Holyrood-house, 7th Dec.

Sederunt — Angus; Vice-Cancellarius; Thesaurarius; Episcopus Orcadensis; Neubottle; Blantyre; Pluscardin; Coldenknowis; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Murdocairny; Collector Generalis.

Hamilton of Drumry against the Archbishop of St Andrews: peremptory charge to the Archbishop.

Complaint by Thomas, Master of Glammis, Treasurer, Sir Robert Melvill of Murdocairny, his depute, and Johnne Hammiltoun of Drumry, as follows:—Upon 26th day of October last, Patrik, Archbishop of Sanct Androis, was put to the horn for refusing to fulfil a decree arbitral pronounced by certain judges and an oversman between the said Archbishop, as taking burden upon him for Elizabeth Archeour, his spouse, James Adamesoun, his son, and James Archeour, his good-brother, on the

one part, and the said Johnne Hammiltoun of Drumry, on the other part. Acta 1585–87.
"At the proces quhairof he maist contemnandlie remanis as yit, takand na regaird thairof, bot hantand, frequentand, resortand and repairand to and fra in all pairtis of this realme as gif he wer his Majesteis free lege, to the hie and proude contempt of his Hienes, and evill example to uthiris to committ the like, without remeid be provydit."—The Archbishop having been charged either to fulfil the decree-arbitral or else to show cause to the contrary, and parties having been called, the pursuers appear personally, but the defender fails to appear. The Lords therefore ordain letters to be directed charging him to enter in ward in the castle of Dunbartane within six days after being charged, under pain of treason, therein to remain till relaxed from the horn, and also to deliver the castle of Sanctandrois to the executioner of the said letters within six hours after the charge, under the said pain.

To denounce Lord Semple, Mure of Caldwell, and others, for not answering a charge by Thomas Crawford.

Complaint by Thomas Crawfurde in Myvait, as follows:—Having for a great sum of money received from Claude, Commendator of Paislay, a nineteen years tack of the teindsheaves of the eight pound land of Gawine and Risk, lying within the parish of Lochquhinzeoch, in the shire of Renfrew, his entry thereto beginning at this present crop, he had obtained a decree from the Lords of Council and Session against the tenants and occupiers of the said lands: "to the geving of the quhilk decrete Robert, Lord Semple, and the uthiris personis eftir specifiit, wer lauchfullie warnit, and comperit not to oppone in the contrare." Also, "for the bettir corroboratioun of the said complenaris tak, he rased and causit lauchfullie use and execute letters of inhibitioun thairupoun this present yeir." Nevertheless, the said Robert, Lord Semple, and Robert Mure of Cauldwell, "at the leist, Johnne Semple in Brigend, Johnne Semple of Bruntscheillis, Gabriell Semple, servand to the said Lord, Luif in Hairnystoun, with convocatioun of his Majesteis liegis, to the nowmer of fourescoir personis, for the maist pairt lawles and brokin men, bettir affectionat to all kynd of disordour and oppressioun nor uthirwayes inclynnit to justice,"—all carrying weapons forbidden to be worn, and instigated by Lord Semple and Mure of Cauldwell,—came, upon 2nd, 3rd, and 4th days of October last, "in tyme of vacance, feriote and clois tyme of harvest," to the said lands; "and thair, wrangouslie, violentlie and maisterfullie, be way of deid and oppin hostilitie, they reft and awaytuke the haill teindschaveis of the landis abovewritten of this present crope and yeir," extending to six score four thraves of oats, and 26 thraves of beir. "And, nocht satisfeit thairwith, thay dalie and continuallie bost, minas and persew the said complenare, his tennentis and servandis, and the tennentis and occupiaris of the saidis landis, lyis at awaitt for thame, and hes avowit and affermeit to have thair lyveis: quhairthrow thay dar not oppinlie resorte nor repair in the cuntrey for doing of thair lesum effearis, without thay be sufficientlie accumpanyit with thair maisteris, freindis, and sic as will do for thame, for feir of thair lyveis."—Lord Semple, Mure of Cauldwell, Johnne Semple in Brigend, Semple of Bruntscheillis, and Gabriell Semple having been sum- Fol. 79, a.

Acta 1585–87. moned to answer, and parties having been called, the complainer, Thomas Crawfurde of Myvait, appears personally, but the said persons fail to appear. The order, therefore, is to denounce them rebels.

Caution for Beton of Balfour and others.

Caution by James Hay of Petcorchie for Johnne Betoun of Balfour, Patrik Dudingstoun of Kincaple, and Robert Strang, that they shall pay to Patrik, Archbishop of Sanctandrois, such sums as shall be found to be due by them for the taxation of their lands lying within the said archbishopric, over and above the sums already consigned by them in the hands of Johnne Arnott, collector of the said taxation: viz., £4, 10s. by Johnne Betoun of Balfour for three quarters of his lands of Kilrynnie, 30s. by Robert Strang for one quarter of the said lands, and £3 by Patrik Dudingstoun for his part of Kincaple.

Fol. 79, b.

Edinburgh, 8th Dec. Caution for Jean Blair.

Caution in 500 merks by Petir Hay of Meginche for Jeane Blair, spouse of Williame Blair, apparent of Balgillo, that Gilbert Raa, burgess of Perth, Elspeth Creichtoun, his spouse, and their tenants and servants, shall be harmless of her.

Holyroodhouse, 9th Dec. Payment of £2000 to the Laird of Wemys.

The King having appointed his trusty and well-beloved servitor, James Colvill of Eister Wemys, to go to France and other places beyond sea, "for doing of certane his Hienes awne effearis and busynes, and that with sic diligence as convenientlie may be," commands Johnne Arnott, collector-general of the late taxation of £15,000, to pay to the said James, "incontinent eftir the sycht heirof," the sum of £2000 out of the said taxation, "for his furnitour and expenssis to be maid in his jornay."

Holyroodhouse, 10th Dec.

Sederunt—PRESENTE REGE—Angus; Thirlstane; Magister de Gray; Blantyre; Clericus Justiciarie.

Approval of the assays taken of the cunyie.

Sir Robert Melvill of Murdocairny and Mr David Carnegy of Culluthy declare, in presence of the King and his Council, that they, accompanied by Michaell Gilbert, goldsmith, burgess of Edinburgh, James Achesoun, son of Johnne Achesoun, sometime master cunyior, "and certane uthiris of gude judgment and experience in the mater underwritten," met together in the cunyiehouse in Edinburgh upon 10th May last, and that, according to the commission given to them, they "causit oppin the boxis quhairin wer the assayis of all sortis of gold, silver, and allayed money, quhilkis wer cunyeit alsweill in the tyme that the said Johnne Achesoun wes maister cunyeour to his Hienes as sensyne be Thomas Achesoun, present maister cunyeour." They have found in the said Thomas's box the following:—The assays of the lion, nobles and new crowns, whole and half, from 2nd November 1584 to 18th April last, inclusively; of the 30s. 20s. and 10s. pieces, from 6th April 1582 to 10th May last, exclusively; of the 16s. and 8s. pieces, from 29th June 1582 to 4th November of the same year; of the 8d. and 4d. pieces, from 13th January 1583 to 10th May last, exclusively. They have found in the said Johnne Acheson's box the

following :—The assays of the half merk and 40d. pieces, from 11th April 1577 to 23rd August 1580; of the two merk pieces, from 16th December 1579 to 24th August 1580; of the King's ducats of gold, from 2nd August 1580 to 29th November of the same year. "The prufe of quhilkis haill assayis of gold, silver and allayed money particularlie aboneexpremit being tane, and the same tryit be fyre and uthirwayes, according to the ordour observit in sic caissis, and thaireftir comptrollit and considerit be the saidis Robert and Maister David, and uthiris foirsaidis being in cumpany with thame, according to the tennour of the said commissioun, it wes reportit be thame that thay fand all the saidis assayis kepit the just fynnes," and also that the "nowmer of the assayis wer correspondent to the dayis jornayis mentionat within the wardanes buikis." The King and Council, "accepting and allowing of the tryale tane be the saidis Schir Robert and Mr David in this behalff, and finding that thairin thay had procedit verie ordourlie, circumspectlie, and with gude discretioun and deliberatioun," declare that the general, warden, counter-warden, the said Johnne and Thomas Achesonis, the assayers, sinker, melter, forger of the said gold, silver, and alloyed money, and all other officers of the cunyie-house, "have dewlie, treulie, faithfullie, and uprichtlie" discharged their offices touching the said assay. Acta 1585-87. Fol. 80, a.

Holyrood-house, 13th Dec. Caution for the rendering of Sherifhall by James Gilbert.

Caution in 500 merks by James Giffert, younger, of Schireffhall, as principal, and Johnne Baillie of Sanct Johniskirk, as surety for him, that the said James shall deliver his fortalice of Schireffhall, if it shall be found that he should do so, conform to the letters obtained to that effect by Thomas, Master of Glammis, Treasurer, Sir Robert Melvill of Murdocairny, his depute, and Katherene Wilsoun.

Edinburgh, 14th Dec. Caution for James Beton of Creich and others.

Caution by Alexander Bonar of Balgirsho for James Betoun of Creich in 1000 merks, for David Balfour of Bello in 500 merks, and for Johnne Averie and Robert Arnott, burgesses of Falkland, in 300 merks each, that David Thomsoun, portioner of Kingiskettle, his tenants and servants, shall be harmless of them in their bodies and goods.

Assurance by the Earl of Crawford to the Master of Glammis.

David, Earl of Crawfurde, assures Mr Thomas Lyoun of Balduky, Master of Glammis, his kin, friends, and servants, that till 10th June next they shall be "unhurte, unharmeit, unmolestit, troublit or in onywayes persewit" by him or his friends, "except the personis quhome we have presentlie deliverit in writt to the Kingis Majestie, for quhome I sall nawayes be ansuerable." The Earl promises to keep the said assurance "unviolat," under the pain of "perjury, infamy and tynsall of perpetuall credite, honnour and estimatioun in tyme cuming," and further under the penalty of £20,000, and, for the more security, consents to registration of this assurance, which is subscribed at Halirudhous, 18th December 1586.

Assurance to the Earl of Crawford.

Thomas Lyoun of Balduky, Master of Glammis, grants assurance to David, Earl of Crawfurde, in exactly the same terms, and under the same conditions. Fol. 80, b.

Acta 1585–87.

Sederunt—Archibaldus, Angusie Comes; Franciscus, Comes de Bothwill; Franciscus, Comes de Erroll; Joannes, Comes de Mar; Adam, Episcopus Orcadensis; Georgius, Dominus Seytoun; Henricus, Dominus Sinclar; Willelmus, Dominus Hereis; Robertus, Commendatarius de Deir; Alexander, Commendatarius de Pluscardin; Marcus, Commendatarius de Newbottle; Alexander, Commendatarius de Culrois; Thomas, Magister de Glammis, Thesaurarius; Joannes Maitland de Thirlstane, Secretarius; Blantyre, Custos Secreti Sigilli; Largo, Computorum Rotulator; Clericus Justiciarie; Prepositus de Linclowden, Collector Generalis; Clericus Registri. Holyrood-house, 20th Dec.

Act of voluntary subsidy for expenses made necessary by "the present condition of the Queen, his Highness's dearest mother."

"Forsamekle as the Kingis Majestie, in presence of his Esteatis laitlie convenit, having declairit the present conditioun of the Quene, his Hienes darrest mother, for quhome it becumes his Hienes of honnour and dewitie to do all in him possible, not doubting of the reddy gude will and promptitude of his haill Esteatis and loving subjectis to that effect, desiring the saidis Esteatis, seing the mater wes able to draw to a capitulatioun quhilk wald importe grite expenssis, that thay mycht find oute the reddiest way how to releif it with smallest harme to the cuntrey: quhairanent the saidis Esteatis, having consultit and conferrit severalie be foure electit of everie Estate and the haill togidder, findis thair gritast difficultie at this tyme the fewnes of thair nowmer. And yit the Noblemen and Prelattis abonewrittin offeris to gif freelie to his Majestie for thair awne pairtis, to the effect abonespecifeit, the sowmes following:—that is to say, every Erll, three hundreth pundis, every Lord, twa hundreth, the meanast of the Prelattis fourty pundis, and every uthir Prelatt accordinglie, respecting the valu of thair beneficeis,—not doubting bot all thair peiris in Scotland wald do the lyke in respect of the caus, wisheing thame to follow the example of the saidis Noblemen and Prelattis present. And, as to the Commissionaris of Burrowis, thay have takin thame to be advysed, and to reporte thair answer to his Majestie thairupoun."[1]

[1] This is the first direct mention in the Register of Privy Council of that great business of the fate of Queen Mary which had been agitating the two kingdoms for more than two months:—Hardly had the League of July 5, 1586, between Elizabeth and James been concluded, when there was the discovery by Elizabeth's ministers of what is called Babington's Conspiracy, *i.e.*, the conspiracy of a number of English Roman Catholics, with young Anthony Babington at the centre of them, for assassinating Queen Elizabeth, and effecting a revolution in England and the restoration of Roman Catholicism there by means of a rising of the Roman Catholics in Queen Mary's interest, aided by a foreign invasion. The discovery having been made public, and Babington and the other chief conspirators having been executed in London in September, there followed the trial of Queen Mary, in her imprisonment in Fotheringay Castle, Northamptonshire, on the charge of having been implicated in the conspiracy and in correspondence with Babington. The trial, which proceeded on an English Act of the previous year, expressly constructed so as to hold Mary responsible for any plots in her favour, began at Fotheringay Castle on the 11th of October, when thirty-six of the forty-two appointed commissioners had Mary brought into their presence; and it ended on the 25th of the same month, when the verdict of guilty, involving sentence of death, was pronounced in Westminster Hall. From that day the question, in England, in Scotland, and over the Continent, had been whether

Holyrood-house, 21st Dec.

Sederunt—Angus; Eroll; Thesaurarius; Secretarius; Episcopus Orcadensis; Deir; Neubottle; Culrois; Blantyre; Coldenknowis; Clericus Registri; Com[putorum Rotulator]; Co . . Acta 1585-87.

Archibald Maxwell and others to answer for the slaughter of Maxwell of Crustanes.

Complaint by the kin and friends of the late Robert Maxwall of Crusteanis, as follows:—In the year 158 . the said Robert was "maist cruellie and unmercifullie slane and murthourit" by Archibald Maxwall, Williame Maxwall, his son, and David Maxwall, his servant; who, "for the slauchtar foirsaid," were denounced rebels and put to the horn. Nevertheless, lately, "be thair inoportune sute maid to his Majestie, sinister and wrang informatioun maid be thame, allegeand that thay had maid sufficient assyithment and satisfactioun for the slauchtar foirsaid, and purchest ane letter of slanes thairupoun," thay have obtained a respite for the said crime, with letters relaxing them from the horn. This has been done "maist wranguslie," because "thair wes na assyithment nor satisfactioun maid, nor letter of slanes grantit for the slauchtar foirsaid, bot the said respett wes onlie purchest to the stay and hinderance of justice, and aucht thairfoir to be declairit null."—Parties having been called, the complainers appear by Captain Richard Maxwall; but, the defendants failing to appear, the Lords ordain the Justice Clerk to cite them to underlie the law for their crime before the Justice in the tolbooth of Edinburgh upon a particular day, notwithstanding the said respite, because the same Fol. 81, a.

Elizabeth would dare to put the sentence in execution. While Elizabeth's ministers and her subjects generally were earnest that she should, France and other foreign powers made what contrary exertions they could, and James exerted himself from Scotland by letters of vehement protest and by the agency of a special envoy, William Keith, despatched to London for the purpose, in aid of Mr Archibald Douglas (*ante*, p. 68, footnote), who had been in London since the beginning of September as James's agent with Elizabeth in all general matters. Keith's mission having proved a failure, and the English Parliament having urged on Elizabeth the unflinching execution of the sentence, there had been, in the beginning of December, that Convention of the Scottish Estates in Edinburgh to which the present act of Council refers. Though called a Convention of Estates in the Act, it seems, however, to have been rather a convention of the nobility, or of the nobility and prelates. In any case they had come to two resolutions. One was that a special embassy should be sent to London, consisting of men more eminent, and more likely to be effective, than Keith. The other was that "a voluntarie subsidy should be lifted," as Calderwood expresses it, "for furnishing ambassadors to be directed to Spaine, France, Denmark," for the matter of Mary's relief, "or for aid, in case of anie executioun, which was feared." In short, the recent League with England was now in peril, and a rupture with England, and an alliance with foreign powers against her, seemed likely. It was not till the 20th of December, the day before that of the present entry, that the two selected ambassadors for England, the Master of Gray and Sir Robert Melville of Murdocairny, left Edinburgh for their journey. Next day, the 21st, the names of these two Privy Councillors are, of course, absent from the sederunt of the Privy Council; but the nineteen councillors who were present, with Angus at their head, carry out by their Act of Council the project of a voluntary subsidy for expenses in Queen Mary's aid that had been recommended by the late convention of the nobility. The wording of the act suggests that the burghs were more backward in the matter than the nobles and prelates.—The fact that only now, and on the pressure of extreme necessity, does the business of Queen Mary come before the Council, is significant. But, indeed, for many years mentions of the King's "darrest moder" had been studiously avoided, or kept to a minimum, in the formal proceedings of the Council, though all the while she had been a most important personage in her imprisonment, much in everybody's mind, and occupying much of the attention of the King and of his councillors non-officially and individually.

Acta 1585-87. was obtained "be the prevey moyane and inoportune sute of ane of the Kingis Majesteis awne domesticque servitouris for his awne particular proffitt, without assythment of pairty or ony letter of slanes grantit, sen or produceit, expres contrare the Actis of Parliament."

Edinburgh, 24th Dec. Caution for Macduff of Fandowy.

Caution in 500 merks by Mr Andro Abircrumby of Pittelpie for Alexander M°kduff of Fandowy, that Johnne M°kduff, younger, Allastar and Thomas M°kduffis, his brothers, their wives, bairns, tenants and servants, shall be harmless of him,—David M°kduff, son of the said Alexander, relieving the surety.

Caution for David Macduff.

Caution in 500 merks by Johnne Campbell of Laweris for the said David M°Duff that Johnne M°Duff, younger, and Allaster and Thomas M°Duffis, his brothers, shall be harmless of the said David.

Fol. 81, b.

Edinburgh, 27th Dec.

Sederunt—Angus; Thesaurarius; Vice-Cancellarius; Culrois; Blantyre; Pluscardin; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Coldenknowis; Collector Generalis.

Declaration anent the Earl of Atholl's assurance to the Earl of Huntly.

The King and Council declare that, if Johnne Earl of Athoill, after granting the assurance to George, Earl of Huntley, lieutenant in the North, Menzeis of Weyme, George Drummond of Blair, and others comprehended therein, shall, either by himself or by others for whom he is bound, assist in any way "the Heland and brokin men or uthiris quhatsumevir" in invading the lands of the said Menzeis and George Drummond or their tenants "be way of maisterfull reiff and depredatioun," or suffer them to remain within his bounds for 24 hours "eftir the committing of the saidis crymes, with his knawlege and writting," in that case the "enorme deidis and crymes" of the said depredators "salbe estemit as brek of the same assurance, and he salbe haldin to answer for thame, as assistaris and parttakaris with him and his in the actioun questionable betwix him and the said George, Erll of Huntley." Intimation of this is to be made to the Earl of Athoill, and a list of the "speciall names of the saidis Hieland men and brokin men generalie mentionat of befoir" is to be delivered to him.

Charge to the Earls of Huntly and Atholl.

George, Earl of Huntley, on the one part, and Johnne, Earl of Athoill, on the other part, were lately required by his Highness to subscribe an assurance to each other. Athoill has subscribed the said assurance to Huntley, but refuses, or at least delays, to assure George Drummond of Blair. Huntley, "being movit be his Hienes," has refused to subscribe altogether. Hence "forder trouble and inconvenient is liklie to fall oute amangis thame, to baith thair displesure and disquieting of the present estate of the cuntrey." Accordingly, Huntley is charged to subscribe the said assurance for his part, and Athoill to subscribe the assurance in favour of George Drummond, while both are to "dissolve thair forceis, gif ony be alreddy assemblit be thame, and to desist and ceis fra all making of convocatioun of his Hienes liegis in armes, and fra persute and invasioun of uthiris boundis, rowmis, and

possessionis, be way of hostilitie and depredatioun, bot to observe his Hienes peace, quietnes, and gude reule in the cuntrey." To this effect, the Earl of Huntley is commanded to remain within the bounds of his own lieutenancy, and the Earl of Athoill is prohibited from entering within the said bounds,—neither of them to come besouth the Water of Erne, without the King's licence, under pain of treason. Also, the lieges are to be ordained, by open proclamation at the market crosses of Abirdene, Banff, Elgin, Invernes, Dunkeld, Brechin, and other places needful, to take no part with either of the said parties against the other under the same pain. Acta 1585–87.

The Justice Court appointed to be held at Jedburgh continued.

The Justice Court appointed to be held by Archibald, Earl of Angus, lieutenant of the East and Middle Marches, at Jedburgh, upon 1st January next (*ante*, p. 124), is continued unto the 15th day of the same month. The fact is to be proclaimed at the market crosses of the head burghs of the shires of Berwik, Roxburgh, Selkirk, and Peblis; and the fencibles within the said bounds are charged to meet the said lieutenant at the place and on the day foresaid, provided with 20 days' victuals. Fol. 82, a.

Edinburgh, 28th Dec.

Sederunt—Angus; Bothwill; Thesaurarius; Secretarius; Episcopus Orcadensis; Coldenknowis; Blantyre; Clericus Registri; Collector.

Order to denounce James Stewart.

Complaint by George Lundy, minister at Dummany, as follows:—While he was "passand hamewart," upon 4th December instant, James Stewart, brother of Harie Stewart of Cragyhall, Mathow Keir, his servant, and Walter Stewart, his brother, "umbesett the said complenaris way in this syde of the Quenisferry, and thair maist cruellie and unmercifullie persewit him with drawne swerdis and forkis for his bodilie harme and slauchtar, cutit his claythis in divers pairtis, and gaif him mony bauch straikis in his body and armes with the said fork, quhairthrow he remanis yit birsit and unhable of persone; like as thay had not faillit to have slane him, wer not the grace of God and his awne defence."—Parties having been called, the complainer appears personally; but the defender, failing to appear, is to be denounced rebel.

Caution for Forbes of Monymusk.

Caution by Williame Forbes of Monymusk, as principal, and Mr Robert Douglas, portioner of Panlethie, as surety, that the said Williame shall, upon 15 days' warning, underlie the law before the Justice in the tolbooth of Edinburgh for all crimes laid to his charge.

Edinburgh, 30th Dec.

Caution for Thomas M'Dowall.

Caution by Mr Johnne Kene, writer, for Thomas M^{c}Dowall of M^{c}kairstoun, that he shall pay to Williame Douglas of Cavers, sheriff of Roxburgh, the sum of £20, for the taxation of his lands of M^{c}kairstoun, if he shall be decerned to do so. Fol. 82, b.

Caution for George Lundy,

Caution in 300 merks by James Rig of Carbarrie for George Lundy, minister at Dummany, that he will not harm Mathow Keir, servant to Hary Stewart of Cragyhall, his tenants or servants.

Sederunt—Angus; Mar; Thesaurarius; Vice-Cancellarius; Episcopus

Acta 1585–87.

Orcadensis; Neubottle; Culrois; Coldenknowis; Clericus Registri; Clericus Justiciarie; Computorum Rotulator. Holyrood-house, 4th Jan. 1586–87.

David Reid of Aikenhead against David Melvill and the Treasurer.

Complaint by David Reid of Aikinheid, as follows:—By Act of Parliament all unconfirmed feus of kirklands are ordained to be confirmed before 1st September 1585, under certain penalties (1584, c. 8, iii. 351). But, "becaus of sindrie troublis quhilkis thaireftir incressit, and the pestilent seiknes quhilk spred amang divers of the gritast burrowis, the cheif jugementis and jurisdictionis of this realme and the chancellarie wes rased, and had na establissit place to the quhilk his Hienes legis mycht resorte for expeding of thair saidis conformationis"; and therefore the said Act had been prorogated for one year (1585, c. 15, iii. 380). "And trew it is" that the lands of Pomlawis, lying within the sheriffdom of Fyffe, having been set in feu-farm by James, Commendator of Sanct Colmisinche, and convent thereof, to whom the same belonged, in March 1550, to the late Robert Carnegy of Kynnarde and his heirs, he, the said late Robert, sold heritably the said lands to the complainer's father, viz., the late Johnne Reid of Aikinheid, and his heirs; "in the quhilkis landis also the said complenare is dewlie sesit as air to him thairof; and swa the heritage, rycht and title thairof, divolvit in his persone. And, albeit the said complenare hes oft and divers tymes, according to the saidis Actis, sutit confirmatioun of the foirsaid infeftment of feu-ferme of his landis abonewrittin at the Thesaurare, being evir willing and reddy to do thairfoir according to the law observit in sic caissis, having alswa obtenit the signature thairof subscryvit be his Highnes and the Maister of Glammis, present Thesaurare, as the same can testifie,—yit, upoun quhat respect the said complenare knawis nocht, the said signature is stayed, and the said Thesaurare and his deputis refuissis to compone thairfoir and expeid the same, tending thairby to caus the said complenare incur the panes contenit in the saidis Actis, to his hurte and prejudice, contrare the meaning thairof and to all ressoun, equitie and justice."—David Melvill, alleged to have interest in the said matter, having been summoned to show cause why the said signature should not be expede without farther delay, and appearing by James Fol. 83, a. Bonar, his procurator, and David Reid appearing by James Reid, his brother, and the reasons and allegations of both parties having been considered, the Lords ordain the Treasurer "to compone and pas confirmatioun upoun the said David Reidis infeftment without langer delay."

Caution for William Baxter.

Mr Henry Balfour, advocate, procurator for Williame Auchtirlony of that Ilk, presents for registration a caution in £500 by the said Williame for Williame Baxtar in Mekle Kainy, that Walter Pharare in Schannobie, James Pharare, his brother, Johnne Ker, Walter Newtoun, Patrik Newtoun, his son, and their tenants and servants, shall be harmless of the said Williame Baxtar in their bodies and goods. Subscribed on 21st December 1586 before these witnesses: James Creichtoun of Croudie, James Auchtirlony, messenger, Mr Archibald Peirsoun and Johnne Merny, notaries.

Edinburgh, 7th Jan. Caution for William Wallace.

Caution in 1000 merks by Alexander Portarfeild, fiar of Dowchall, for Williame Wallace, younger, of Johnnstoun, that he will not harm the tenants and servants of the lands and houses belonging to Robert, Lord Ros. Acta 1585-87.

Holyrood-house, 11th Jan.

Sederunt—Angus; Thesaurarius; Vice-Cancellarius; Episcopus Orcadensis; Pluscarden; Newbottle; Culrois; Coldenknowis; Clericus Registri; Computorum Rotulator; Collector Generalis.

Order for revocation of monks' portions and their application for payment of the King's Guard.

Notwithstanding the Act of Parliament ordering the monks' portions to be employed for payment of the King's Guard (see vol. iii. p. 743), yet the members of the Guard are disappointed of their wages, by reason of the dispositions "of sindrie of the saidis monkis portionis" made by his Majesty in consequence of the "inoportune and unressonable sute of sindrie personis." Therefore, all gifts made of the said portions since the passing of the said Act (*i.e.*, since August 1584) are hereby revoked and annulled, and Mr Thomas Lyoun of Balduky, captain of the guard, is ordained to uplift and apply the same "to the payment of the wageis of the said Gaird, siclike and in the same maner as gif the same portionis had nevir bene gevin or disponit be his Majestie." Walter Adamsoun, and all others appointed for the ingathering of the said portions, are discharged of their offices in this matter, notwithstanding any letters of factory granted to the said Walter, which are hereby revoked; and the said Walter is ordained to account for his past intromissions with the said portions to the captain of the Guard, to the effect the present state of the same may be known. So many of the portions as the King shall deliver to the said captain before the 20th day of January instant are excepted from the present revocation. Intimation of the above is to be made by open proclamation at the market crosses of the head burghs. Fol. 83, b.

David Hume, skipper of Leith, against Adam Stewart, for the seizure and detention of a ship of Hume's at the instance of a French merchant wrongfully accusing him of piracy.

Complaint by David Hume, skipper in Leyth, as follows:—"Helias de la Hay, Frencheman, mercheand in Burdeaux, hes, be the space of fyve yeiris last bipast continuallie togidder, maist maliciouslie and unjustlie troublit and persewit the said complenare in the realme of France, for pyracie allegeit done and committit be him aganis ane schip of the said Helias laidnit full of wynes and wad, sho then [*i.e.*, in 1581] being passing hir cours in hir voyage at the Bay of Ellon in Bartanyie." By the complainer's just defence of himself in this action, "throw the exhorbitant chargeis and expenssis sustenit be him thairintill, not onlie is his haill moveable guidis and geir exhausted and consumed," but he had also been "constranit to sell his landis and heritage for money to defend the said pley; in the quhilk the said Helias de la Hay, be the partialitie of certane subornit witnessis, hes obtenit his intent aganis the said complenare, and hes intromettit with his schip, guidis and haill apparrelling thairof, at his awne hand, sauld and disponit thairupoun at his plesure; swa that the said complenare is brocht to extreme povirtie and indigence, having nathing to sustene ather himselff, his wyffe, nor familie, being xiiii

Acta 1585-87. personis dalie in houshald, albeit it be of veritie that the said Helias de la Hay, of verie malice and invy, movit the said calumpnious persute maist unjustlie and maliciouslie aganis the said complenare." For the complainer "wes frome the begynning clene and innocent of the said piracie, nevir being actour, parttakar or suspect of arte or parte thairof in ony maner of way, as is notour and manifest to the haill merchandis that wer in the navie and flott quhair the said piracie wes committit." It is notorious, in fact, that the piracy was done "be ane weir schip," of which Patrik Turnour and Robert Grahame, Scotsmen, were captains, who brought her to Kirkcudbrycht, where they sold the wines, woad, and other goods to such persons as they pleased. Helias de la Hay, knowing this perfectly, had granted a procuratory to James Craig, Scotsman, merchant in Burdeaux, empowering him to prosecute in this country before the proper judges for the recovery of the said goods. Accordingly, the said James had pursued the said pirates, with whom he had compounded for the said crime, and has obtained decree against the other intromitters with the merchandise foresaid before the Admiral, "and be vertew thairof hes gottin restitutioun of the maist parte thairof, swa that
Fol. 84, a. the said Helias de la Hay, be persewing of the saidis Patrik Turnour and Robert Grahame, and be componing and transacting with thame for the said piracie, hes declairit the said David Hume to be innocent thairof." Further, "his Majestie having directit his letters to tak and apprehend the saidis pyrattis, and to present thame befoir the Justice Generall and his deputis till have bene accuseit of the said pyracie, they have tane the cryme upoun thame and ar fugitives fra the lawis of the realme for the same." In these circumstances, "the grite iniquitie done to the said complenare in the said mater suld he piteit and considerit be his Majestie and Lordis of Secrete Counsall," and "his ship and apparrelling thairof, wranguslie intromettit with and tane fra him be the said Helias, without ony offence or fault maid be him, aucht and suld be restorit."—Adam Stewart, burgess of Air, Bessie Cathcart, spouse of Adam Brown, and James Stewart, burgess of Glasgow, in whose possession the said ship is, had been charged to deliver to the complainer the said ship with her apparelling in as good state as when intromitted with at the instance of the said Helias, or else to show cause why they should not; and now, parties being called, and David Hume appearing personally, and also the said Adam Stewart, but Bessie Cathcart and James Stewart not appearing, the Lords, "in respect of the wrangous and inordinat persute moved be the said Helias de la Hay aganis the said David Hume in maner foirsaid," ordain Adam Stewart to deliver to the complainer the said ship, with her anchors, cables, tows, munition, ordnance, and all the other furniture which she had when arrested at his instance, within 15 days of this date, under pain of rebellion, the said David first finding caution to answer to the said Adam for any thing he has to lay to his charge.

Fol. 86, b. "Forsamekle as the Kingis Majestie, in presence of the barronis, freehaldaris

Holyrood-house, 13th Jan. Grant of voluntary subsidy by the barons of Lothian to defray the expenses to be incurred in aid of Queen Mary in her present peril.

and fewaris, alsweill of the spirituall landis as temporall, as of thais quha duellis without the sherefdomes and . . landis within the same, of the sherefdomes of Edinburgh principall and within the constabularie of Hadingtoun, Lynlythgow, comprehending thairin Bathcatshyre, having declairit the present es . and conditioun of the Quene his Hienes darrest moder, for quhome it becomis his M . . of honnour and dewitie to do all in him possible for hir releiff and saulftie, not doubting of the reddy gude will and promptitude of all his loving subjectis to that effect, desyr . the saidis baronis, seing the mater wes able to draw to a capitulatioun quhilk wald importe grite expenssis, and that the esteatis quhilkis laitlie convenit offerit to gif frelie to his Majestie for thair pairtis to the same effect, that thai wald grant in like maner sum supporte, cheiflie at this tyme, quhenas, be ressoun of the wechtines of the caus, the same wes maist requisite: Quhairanent the saidis baronis having at length advisit, consultit and conferrit togidder, and, willing to gif his Hienes ane prufe of the like reddines and gudewill in thame to satisfie his Majesteis desire, for the same purpois, all in ane voce hes frelie and voluntarlie offerit and concludit that thair salbe the soume of ten thowsand merkis money of this realme collectit amangis the haill barronis, frehaldaris and fewaris alsweill of the spirituall landis as temporall, as als of thais quha dwellis without the sherefdome and hes landis within the same sherefdome of Edinburgh principal and within the constabularie of Hadingtoun, Lynlythgow, comprehending thairin Bathcatschyre, as said is, and na uthir inferiour personis within the saidis boundis to be burdynnit with ony parte of the same: For dividing quhairof amangis the saidis baronis and uthiris foirsaidis, thay have nominat, appointit and ordanit the personis undirwrittin, quha being present acceptit the burding upoun thame,—thay ar to say ,—to putt in roll the names of the haill barronis, fewaris, freehaldaris and uthiris abonespecifeit within the saidis boundis, and, according to the pund landis quhilkis thay occupy and hes in propirtie, to appoint thame to pay pro rata as salbe aggreit upoun be the foirsaidis personis nominat to the same effect; and quhair is na pund landis, that thay appoint the payment according to every husband land and oxgang of land, swa that alwayes every barrone, feware, frehaldar and uthiris within specifeit within the saidis boundis be subject proportionalie to pay according to the quantitie of his landis, reduceand husbandlandis and oxgang of landis into pundlandis. And, for inbringing of the said sowme, that letters be direct, gif neid be, in sic forme as Johnne Touris, the Laird of Inverleith, collectour appointed for the same effect, shall crave and desire, swa that the same may be had in dew tyme betuix and the day of nixt to cum, to the effect the purpois for quhilk the same is destinat be not hinderit throw inlaik thairof. Attour, the saidis barronis and uthiris foirsaidis present, for the forder declaratioun and manifestatioun of thair affectioun towards his Majestie, and of thair free and voluntarie offer, hes, eftir the subscriptioun of his Majestie and his Counsall, subscryvit alswa thir presentis with thair handis. Sic sub-

Acta 1585–87.

Fol. 87, a.

Acta 1585-87. scribitur: James R.; Thrylstane; Mr G. Lauder of Bas; Corstorphin; Dundas of that Ilk; T. Otterburne of Reidhall; Johnne Kinkaid of Wareistoun; Barnbowgall; Archibald Napar of Arnbillie, knycht; Johnne Touris of Inverleyth, for my awne pairt as collectour; S. Johnne Edmestoun, knycht; George Home of Spott."[1]

Fol. 84, a. Caution in 1000 merks by James Haliburtoun in Dirltoun, as principal, and Andro Ker of Fadounsyde, as surety, that the said principal will not harm Margaret and Marione Tod, daughters of the late Hew Tod, burgess of Edinburgh, their tenants or servants. Edinburgh, 13th Jan. Caution for James Haliburton.

Fol. 84, b. Registration by Alexander King, advocate, procurator for the persons after mentioned, of caution by George Gordoun of Crechy and Williame Gordoun of Gaycht, for David Craik, donator of the escheat of Mr Robert Chalmer, burgess of Abirdene, Andro Bene, and Johnne Bene in Tulligrig, that the said Craik shall make the said escheat furthcoming to the persons foresaid "as accordis of the law, in cais the letters of horning be vertew of the quhilkis the saidis personis wer denunceit to the horne, as said is, or execution thairof, be inordourlie usit, swa that it be annullit or reduceit." Further, the cautioners guarantee that the said David Craik shall answer to any thing which the said Mr Robert has to lay to his charge. Subscribed at Crechy and Gaych upon 12th January before these witnesses: Williame Lyoun, apparent of Cummalegy, Johnne Gordoun and Robert Ogstoun, servitors to the said George, and Mr Alexander Barroun, notary public. Edinburgh, 19th Jan. Registration of caution for David Craik.

Sederunt—Thirlstane, Secretarius; Episcopus Orcadensis; Newbottle; Pluscarden; Coldenknowis; Clericus Registri; Largo, Computorum Rotulator. Holyroodhouse, 20th Jan.

Complaint by Alexander Flodar in Wester Downy, as follows:—James Reid *alias* M°kallastar, in Lochmawarde, on the west side of the burn of Downy, "having consavit malice and haitrent aganis the said complenare without ony occasioun of offence or injurie done be him to the said James, continualie molestis and troublis the said complenare, his tennentis and servandis, in possessioun of thair landis and leving; bostis, minassis and
Fol. 85, a. persewis him for his bodilie harme and slauchter; dingis, oppressis, and ouerthrawis his tennentis and servandis; and hocheis and slayis his To denounce James Reid for not answering a charge of oppressive conduct to Alexander Flodar.

[1] This is out of its proper place in the Register, not having been entered till after February 1, 1586–7. Restored to its proper place, it is the second mention in the Register of Queen Mary in her extreme peril at Fotheringay. Since the last mention of her (*ante*, p. 129) the reports from London had been more and more alarming. Queen Elizabeth had taken offence with the Scottish ambassadors, Gray and Melville, on account of communications of theirs with the French ambassador; and her determination for the execution of Mary seemed more and more decided. Hence the appeal to the Barons or Lairds for a voluntary subsidy, like that already offered by the Nobles and Prelates, in aid of Queen Mary's cause, or to avenge her if necessary; and hence their ready response.

bestiall and guidis: committand thairby oppin and manifest oppressioun."— The complainer appearing by his procurator, the said James, failing to appear, is to be denounced rebel. Acta 1585–87.

Edinburgh, 20th Jan. New Act for precautions against the hasty passing of gifts out of the patrimony of the Crown.

The King having, by advice of his Privy Council, "takin resolutioun this day with the Lordis of his Counsall and Sessioun" as to what things mentioned in his revocation of unprofitable dispositions made out of the patrimony of the crown are null of themselves and what things require to be "annullit and reduceit be speciall declaratour," and intending also "to considder the superflew burdingis lyand upoun all his officiaris, ressavaris of his rentis, and to gif ane perfyte directioun and warrand to thame of the quantitie of feis, pensionis, waigeis and uthiris ordinare wageis, quhilkis salbe payit to thame furth of thair offices respective, of the Martymes terme last bipast and crope and yeir of God j^{m}v^{c}lxxx sax yeiris instant, and in tyme cuming compassit within the boundis of his saidis rentis," it is now intimated as his Majesty's express will and pleasure "that na maner of infeftment, new dispositioun, dispensatioun, exceptioun, ratificatioun, tak, fewferme, gift, pensioun, free discharge, or ony uthir sic dispositioun furth of his propirtie, casualiteis or collectorie, salbe subscryvit be his Majestie or pas the signett, prevey seill, or ony uthiris his Hienes seillis in tyme cuming, quhill the signaturis or letters maid thairof be first advisedlie red and considerit be his Hienes thesaurare, secretare, comptrollar, and collectour generall, and sa mony ma ordinar officiaris of the estate as sal happin to be present with his Hienes for the tyme, all sittand togidder, and that the caus be found necessar, and the payment possible to be maid be that officiar appointit to mak the same, to be certefeit be the subscriptioun of the clark of that office on the bak of the said signature or letter." The Clerk of Register is to "intimat the effect of this present Act and ordinance to the kepare of the signett and remanent keparis of the saidis seillis."

Caution for Hume of Ayton.

Caution by James Douglas, fiar of Spott, for Williame Home of Aytoun, that he shall pay to David Hume, minister at Coldinghame, the sum of £133, 6s. 8d., for his stipend assigned to him furth of the priory of Coldinghame of the crop and year 1585,—Mr Johnne M^{c}kgill becoming bound to relieve the cautioner.

Caution for David Craik.

Caution in 500 merks by Williame Keyth of Ludquharne for David Craik, that he shall deliver the dwelling place in Abirdene belonging to Mr Robert Chalmer to the said Mr Robert, owner, within 10 days after being charged, "without prejudice alwayes of the actioun of reductioun quhilk the said Mr Robert hes intentit against the said David of the letters of horning usit aganis the said Mr Robert"; also, that the said Mr Robert, his wife, bairns, tenants, and servants, shall be harmless of David Craik, under a penalty of £500,—Hary Gordoun of Tulloch relieving the cautioner (see *ante*, p. 137).

Sederunt—Thirlstane, Vice-Cancellarius; Thesaurarius; Paislay; Fol. 85, b.

Acta 1585–87.

Neubottle ; Pluscardin ; Culrois ; Coldenknowis ; Clericus Registri ; Computorum Rotulator. Holyrood-house, 25th Jan.

Complaint by Johnne Grahame of Hilderstoun, as follows :—In May last, "he being upoun his awne propir landis of Hilderstoun in peceable and quiet maner, behalding and ouerseing his servandis at thair labour, lippynning for harme, trouble nor injurie of na persoun : nevirtheles, Williame Polwart, sone lauchfull to Petir Polwart in Lynlythgow, be the speciall causing, sending and hounding oute of his said fader, come to the said complenare, and, eftir mony injurious and outragious speicheis utterit be him, without ony occasioun of offence or injurie done be the said complenare to him, he maist cruellie and unmercifullie invadit and persewit him for his bodilie harme and slauchter, presentit ane pistollett at him, and had not faillit to have schott him thairwith wer not he wes stayed be certane of the said complenaris servandis. And, upoun the xxvii day of November last, Archibald Polwart, sone to the said Petir, come, be his speciall causing and command, undir cloude and silence of nycht, to the said complenaris dwelling place of Hilderstoun, quhairin he wes for the tyme, and desirit the said complenare to cum and speik him ; quha, beleving na sic injurie as lurkit in his harte, come to him : at quhilk tyme the said Archibald, without ony occasioun of offence or injurie done to him, schote ane pistolett at him, of intentioun to have schott him thairwith ; and, seing the same misgaa, he bendit and presentit ane uthir pistollett at him, and had na faillit to have schott him thairwith, wer not he eschaiped and gatt entres within his awne house. And the said Petir Polwart, Williame, Robert, James, and Archibald Polwartis, his sones, continualie lyis at awaitt for the said complenare, umbesettis his hie wayes and passageis, and hes avowit and affermit to have his lyffe."—The said James and Robert Polwart not appearing, while the complainer appears personally, the Lords ordain them to be denounced rebels. To denounce Robert and James Polwart for not answering a charge of attempted slaughter of John Graham.

Wines imported, or to be imported, during this present year, belonging to any person whomsoever, are ordered to be put and remain under arrestment "ay and quhill samekle thairof be waillit, taistit, markeit and intromettit it with be Jeremey Bowy, his Majesteis symlier", as shall be deemed necessary for the use of the royal household, "upoun ressonable prices to be payit thairfoir be the takkismen of his Hienes customes" ; and Williame Hendirsoun is discharged of all intromitting with the said wines in time coming (see *ante*, p. 116). Arrestment upon wines imported this year till the King's "symlier" shall be satisfied.

Sederunt—Vice-Cancellarius ; Paislay ; Pluscarden ; Culrois ; Neubottle ; Coldenknowis ; Clericus Registri ; Collector. Holyrood-house, 27th Jan.

Sir Johnne Seytoun, great master household of his Majesty, is admitted of the Privy Council, and, being present, gives his oath of office in the usual terms. Sir John Seton admitted of the Council.

Edinburgh, 28th Jan. Registration of caution for James Craw in Gunsgreen.

Registration by Mr Edmond Hay, advocate, procurator for George Craw of Eist Restoun, of caution by the said George for James Craw in Gunnisgrene, that he shall pay to James Hume, son of Alexander Hume of Manderstoun, the teindsheaves, or prices of the same, mentioned in the decree obtained by him against the said James Craw, "in cais Francis, Erll Bothuill, succumb in his persute of the rycht of the priorie of Coldinghame, and that within xl dayis eftir the decisioun of the said persute." Subscribed at Edinburgh, 26th January, before these witnesses: James Duncane, Alexander Andirsoun in Restalrig, and Johnne Thomesoun, notary public. Acta 1585–87. Fol. 86, a.

Edinburgh, 30th Jan. Caution for Mr Robert Chalmers.

Caution in £1000 by Alexander Chalmer of Cultis for Mr Robert Chalmer, burgess of Abirdene, that Hary Gordoun of Tulloch, his wife, bairns, tenants and servants, shall be harmless of the said Robert.

Holyrood-house, 1st Feb.

Sederunt—PRESENTE REGE—Hammiltoun; Angus; Bothuill; Vice-Cancellarius; Archiepiscopus Sanctiandree; Episcopus Orcadensis; Neubottle; Pluscarden; Clericus Justiciarie; Clericus Registri; Collector Generalis; Joannes Seytoun; Magister Petrus Young.

Form of prayer enjoined on the clergy and others for his Majesty's mother, Queen Mary, in her present peril.

"The quhilk day the Kingis Majestie, with full avise, consent and deliberatioun of the Lordis of his Hienes Prevey Counsall, in respect of the present dangear quhairin the Quene his Hienes darrest moder standis into, hes thocht gude, concludit and resolvit that all bischopis, pastouris and ministeris of the Worde of God within this realme salbe movit, eftir the ending of thair sermonis and quhenas thay pray for the Kingis Majestie, that thay immediatlie thaireftir pray alswa to God to illuminat the Quene his said darrest moderis saull with the lycht of his onlie veritie, and to preserve hir body from all apparent perrell: Lyke as all the noblemen and uthiris of his Hienes Counsall present for the tyme promittit, all in ane voce, to use the same forme of prayer dalie, as being fullie perswadit the same to be baith godlie, cheritable, and aggreable to Godis holie will, expressit in his Worde, and nawayes repugnant to the same."[1]

[1] This is the third mention of Queen Mary in her desperate danger (see *ante*, p. 129 and p. 135). All the efforts of Archibald Douglas, William Keith, the Master of Gray, and Sir Robert Melville, in London, to move Elizabeth on Mary's behalf had proved ineffectual, if, indeed, two of them, Douglas and the Master of Gray, had not, as came afterwards to be the belief, been so far false to their mission, and to their old relations with Mary, as to possess Elizabeth with the idea that, if she concluded to put Mary to death, James might be reconciled after the fact and the League between England and Scotland conserved. All other efforts having likewise failed, the excitement in Edinburgh was great. "The King desperate of his mother's life; the country ready to take arms for revenge; offers of the Hamiltons to raise 5000 men of their own friends to burn Newcastle and commence war with England,"—such is the abstract of a letter from Scotland to Lord Burghley. It was at this moment that the Council passed the Act in the text ordering prayers for Queen Mary. The form of prayer recommended was studiously framed, it will be seen, so as to obviate opposition among the clergy. The prayer was to be for the illumination of the Queen's soul in Protestant truth as well as for the preserva-

Acta 1555–87. Fol. 86, b.

Ordinance anent the writers of infamous libels against any persons, but specially against his Majesty and members of his Council.[1]

"Forsamekle as the Kingis Majestie and Lordis of Secrete Counsall considering the undewtifull and undecent behaviour of sindrie esteatis and degreis of personis within this realme, quhais hairtis, being full of invy and malice, ceissis not, privatlie and publictlie, at all tymes to detract, traduce and utter speichis full of dispyte, and uthirwayes, be infamous libellis, contening calumpneyis and wordis of untreuth, to sklander, and sa far as in thame lyis to spott, the fame, honnoure and reputatioun of the saikles and innocent: the same malicious personis not spairing sumtymes his Hienes selff, nor the noblemen and uthiris of his Majesteis Counsall; quhairunto thay tak the gritare bauldnes for that hitherto the executioun of his Hienes lawis hes nocht bene extendit to every ane of thame according to thair deserving: For remeid quhairof in tyme cuming, his Majestie, with avise of the saidis Lordis of his Secrete Counsell, hes concludit and resolvit that all and quhatsumevir persone or personis, man or woman, of quhat estate, degree, qualitie or conditioun that evir thay be of, quhilkis sall not, be sufficient testimony and pruffe allowable be the lawis and consuetude observit within this realme, mak all the saidis libellis and speichis tuicheing his Hienes, the saidis noblemen of his Counsall, or uthiris inferiour personis quhatsumevir, in honnour, fame, reputatioun or uthirwayes, to be treulie writtin and spokin upoun a certane ground and warrand had be thame, quhilk thay sall justifie and prove in maner foirsaid, that the same persone or personis, writtare and avoware of the saidis libellis and utterare of the saidis speicheis, succumband and failyie- and nochtwithstanding heirin, salbe subject to the same pane and punishment, in thair personis, landis and guidis, that is dew to the personis aganis quhome thay sall writt the saidis libellis and utter the saidis speichis, incais thay wer convict and fund gilty of the same: And ordanis the same to be ratifeit and apprevit in his Hienes nixt Parliament; and in the meantyme that letters be direct to mak publicatioun and intimatioun heirof to all and sindrie his Hienes legis be oppin proclamatioun at the mercat croce of Edinburgh and utheris placeis neidfull, quhairthrow nane pretend ignorance of the same."

Proclamation for obeying the Act enjoining a form of prayer to be used for Queen Mary.

Recapitulates the act and ordinance appointing a form of prayer to be used by the clergy and others for his Majesty's mother in her present peril (*ante*, p. 140). "For the bettir executioun and obtempering of the effect and tennour quhairof, his Majestie, with avise of the saidis Lordis of his Secreit Counsall, ordanis letters to be direct to officiaris of armes, shereffis in that part, chargeing thame to pas and in his Hienes name and authoritie command and charge all and sindrie the saidis bischopis, pastouris and ministeris of the Worde of God, be oppin proclamatioun at the mercatt croceis of the heid burrowis of this realme, and at thair

tion of her life.—The King, it will be noted, was personally present in this council meeting, as well as the two new councillors, Mr Peter Young and Sir John Seton.

[1] There can be no doubt that this ordinance was occasioned by speeches and satires then in circulation against the King and his Council in the public excitement respecting Queen Mary and her fate.

parroche kirkis and all uthiris placeis neidfull, that thay and every ane of thame use the forme of prayer abonewritten immediatlie eftir the ending of thair sermonis, and quhenas thai pray for his Majestie, according to the tennour of the foirsaid act and ordinance, as thay and every ane of thame will answer to his Hienes upoun thair obedience; and, in caise thay or ony of thame refuse or do in the contrare, to command and charge alswa immediatlie thaireftir the commissionaris and superintendentis of the provinceis and dioceyis within the quhilkis the said bischopis, pastouris, and ministeris dwellis or makis residence, to suspend and discharge thame of all teicheing or preiching of the Word, ay and quhill his Majestie, with avise of the saidis Lordis, tak ordour anent thair dissobedience as appertenis, as thay and ilkane of thame will likwayes ansuer to his Hienes upoun thair obedience at thair uttirmost charge and perrell, and undir all hieast pane, cryme and offence that thay may committ and inrin aganis his Majestie in that behalff." Acta 1585-87.

Holyrood-house, 3rd Feb.

Sederunt—PRESENTE REGE—Hammiltoun; Angus; Bothuill; Vice-Cancellarius; Sanctandrois; Orknay; Pluscarden; Culrois; Clericus Registri; Joannes Setoun; Magister Petrus Young. Fol. 87, a.

Act against Mr John Cowper for his freedom of speech in the pulpit.

"The quhilk day, in presence of the Kingis Majestie and Lords of Secrete Counsall, Mr Johnne Cowpar confessit and declairit that, becaus his Majestie desirit him to stay eftir he had this day begun his prayer in the pulpett within Sanct Gelis Kirk in Edinburgh, declairing that thair wes ane uther appointit to occupy that rowme, that he utterit thir wordis following, thay ar to say, 'That this day suld beir witnes aganis his Majestie in the grite day of the Lord,' and, forder, that for the same caus he pronunceit a Wo aganis the inhabitantis of Edinburgh, afferming that the last plague suld be gritare nor ony that precedit. The Kingis Majestie and the saidis Lordis of his Secrete Counsall, having hard and considerit the speichis utterit be him in maner foresaid, caussis and occasionis moving him thairunto, findis and declairis, all in ane voce, in his awne presence and in the presence of Maisteris Walter Bacquanquell and Williame Watsoun, quha allowit and approvit the saidis speichis, that he in uttering, and thay in allowing and approving, of the same speichis, hes maist undeutifullie, raschelie, and unadvysatlie, without warrand of the Worde of God, and expres aganis the lawis of this realme, usit and behavit thameselffis, and thairin alswa hes maist heichlie offendit his Majestie and transgressit his Hienes lawis and Actis of Parliament. And thairfoir ordanis the said Mr Johnne Cowpar to be committit to warde in the Castell of Blaknes, thairin to remane upoun his awne expenssis ay and quhill he meane himselff be supplicatioun to his Hienes and the saidis Lordis, acknawlege his offence, and find suretie to compeir in the place foirsaid quhair the same wes committit, and thair publictlie in presence of all the people confes the same his offence, and promitt nevir to attempt the like heireftir. And in the meantyme his Hienes and the saidis Lordis hes suspendit, and be thir

Acta 1585–87. presentis suspendis and dischargeis, the saidis Maisteris Balcan[quell] and Williame Watsoun of all teiching and preiching of the Worde heireftir . . , be taken with him as appertenis."[1]

Fol. 87, b. *Sederunt*—REX; Angus; Mar; Vice-Cancellarius; Episcopus Orcadensis; Coldenknowis; Clericus Registri; Clericus Justiciarie; Prepositus de Linclowden, Collector; Joannes Setoun; Magister Petrus Young. Holyrood-house, 8th Feb.[2]

"The quhilk day the Kingis Majestie, with advise of the Lordis of his Secrete Counsall, all in ane voce, hes thocht meit, concludit and resolvit, that all and quhatsumevir personis beiring functioun in the ministerie quhilkis have alreddy or sall at ony tyme heireftir, be worde or writt, privatlie or publictlie, detract, traduce, sklander or speik irreverentlie of his Majestie, his Nobilitie and Counsall, or, aganis his Hienes lawis and Actis of Parliament, utter ony speichis quhilkis may interteny factionis or move uproare or seditioun amangis his Hienes subjectis, that the same Act for the punishment of ministers who may speak irreverently of his Majesty, the Nobility, or Council.

[1] This entry is explained by a passage in Calderwood (iv. 606), and by a more detailed narrative in Spotswood (354):—The Presbyterian clergy generally, Spotswood says, refused to pray for Queen Mary in the form prescribed by the King and Council. "Of all the number," he says, "only Mr David Lindesay at Leith, and the King's own ministers, gave obedience. At Edinburgh, where the disobedience was most publick, the King, purposing to have their fault amended, did appoint the 3rd of February for solemn prayers to be made in her behalf, commanding the Bishop of St Andrews to prepare himself for that day; which when the ministers understood, they stirred up Mr John Cowper, a young man not entered as yet in function, to take the pulpit before the time, and exclude the bishop. The King, coming at the hour appointed, and seeing him in the place, called to him from his seat, and said 'Mr John, that place was destinate for another; yet, since you are there, if you will obey the charge that is given, and remember my mother in your prayers, you shall go on.' He, replying he would do as the Spirit of God should direct him, was commanded to leave the place; and, making as though he would stay, the Captain of the Guard went to pull him out; whereupon he burst forth in these speeches,—*This day shall be a witness against the King in the great day of the Lord;* and then, denouncing a woe to the inhabitants of Edinburgh, he went down, and the Bishop of St Andrews, entering the pulpit, did perform the duty required. The noise was great for a while amongst the people; but, after they were quieted, and had heard the Bishop (as he was a most powerful preacher), out of that text to Timothy, discourse of the duty of Christians in praying for all men, they grieved sore to see their teachers so farre overtaken, and condemned their obstinacy in that point. In the afternoon Cowper was called before the Council; where Mr Walter Balcanquel and Mr William Watson, ministers, accompanying him, for some idle speeches that escaped them, were both discharged from preaching in Edinburgh during his Majesty's pleasure, and Cowper sent prisoner to Blackness."—M'Crie, in his "Life of Melville" (vol. i. pp. 283, 284, edit. 1824), charges this narrative of Spotswood with inaccuracy in some points, asserting that none of the ministers really refused to pray for the Queen, and that "the scruples of those who hesitated to comply with the order of the court rested upon the manner in which it was issued, and its implying, in their opinion, that Mary was innocent of the crime for which she was condemned to die," and pointing out also certain inconsistencies between Spotswood's account of the incidents at Cowper's sermon in St Giles's and the account in the Privy Council Register. Substantially, the facts of the incident remain as represented by Spotswood.

[2] This day, Wednesday, February 8, 1586–7, was the fatal day at Fotheringay Castle. About eleven o'clock in the morning of that day Queen Mary was beheaded in the hall of the castle, in the forty-seventh year of her age, and the eighteenth after her flight from Scotland. There was no knowledge of the fact in Scotland for a good many days.

personis salbe committit to warde in sic placeis as his Majestie and his Counsall sall think meit, thairin to remane upoun thair awne expenssis, ay and quhill they meane thameselffis be supplicatioun to his Majestie, acknawlege thair offence, find suretie publictlie to gif a confessioun thairof in the place quhair the same wes or salbe committit, and promitt nevir to attempt the like thaireftir. And ordanis thir presentis to begin and tak executioun aganis Maister Johnne Cowpar and James Gibsoun, quha ar ellis tryit and fundin to have behavit thameselffis undeutifullie and irreverentlie be uttering of sindrie speichis offensive to God and his Majestie, without prejudice uthirwayes to the executioun of his Hienes lawis and Actis of Parliament aganis thame and uthiris personis quhatsumevir, contravenaris thairof, as accordis."[1] Acta 1585–87.

The Master of Gray, Sir Robert Melvill, and William Keith, report their proceedings in England in the case of Queen Mary, and are exonerated.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secrete Counsall, Patrik, Maister of Gray, Schir Robert Melvill of Murdocairny, knycht, and Williame Keyth, having exponit and declairit the forme of thair procedingis and negotiatioun with the Quenis Majestie of England and hir Counsall, according to the directionis and instructionis gevin and send with thame be the Kingis Majestie, his Hienes, with avise of the saidis Lordis of Secrete Counsall, eftir gude advysement and dew consideratioun of the circumstances of thair saidis procedingis and negotiatioun, findis and declairis that the saidis Patrik, Maister of Gray, Schir Robert Melvill of Murdocairny, knycht, and Williame Keyth, hes treulie, honnestlie and diligentlie performed and dischargeit thair charge and devoir in the mataris committit to thair credite, and exoneris thame thairof, and ordanis ane Act to be maid of thair said declaratioun AD PERPETUAM REI MEMORIAM.[2]

[1] Gibson seems to have been conjoined with Cowper in this ordinance in recollection of his old offence (see *ante*, pp. 40, 107). Four days before, or on the 4th of February, a charge had been sent in the King's name to Andrew Melville and the other Professors of the New College, St Andrews, forbidding them to continue their public preachings in that city in the English tongue, and enjoining them to confine themselves to such use of the learned tongues as belonged to their own academic vocation in the instruction of youth. Yet, on the very day of the present council order, the King, it seems, made a demonstration in a contrary spirit. "Upon Wednisday, the eight of Februar," says Calderwood (iv. 606, 607), "Mr Walter Balcalquall having ended his sermon, the King stood up, and had a short harangue to this effect:—That he was very sorrie for what had fallin furth some few dayes before, tuiching the discharging of their preacher; protesting he did it of no evill mynde, and that he would alwayes favour the ministrie and the religioun presentlie professed. He said he was of that mynde that none of his subjects would blame him for his affectioun which he caried to his mother, which moved him to doe that which he did. But the charge he had givin to the ministers was to pray to God not onlie to illighten her with the knowledge of the truthe, but also that the sentence pronounced against her might not take place. Alwise the people were satisfied with this excuse." It seems, therefore, that the order of Council of February 4, discharging Balcanqual and Watson from preaching had been withdrawn in the interval. Cowper also, Calderwood tells us, was soon released from Blackness Castle.

[2] The three ambassadors had returned to Edinburgh from their fruitless mission on the preceding day, February 7, expecting that Mary's execution would take place, but not positively certain. As to the propriety of the exoneration of one of them, the Master of Gray, see footnote, *ante*, p. 140. As to the amount of vigour and earnestness that had been exhibited by King James himself in his mother's behalf the evidence varies. In the correspondence of the French ambassador in Edinburgh, M. de Courcelles, it is reported that James had been heard to say that "the

Acta 1585–87. Caution in 2000 merks by Gawine Hammiltoun of Roploch, as principal, and Robert Hammiltoun, elder, of Dalserff, as surety, that Dame Jeane Semple, Lady Ros, her tenants and servants, shall be harmless in their persons and goods of the said Gawine. They also bind themselves, under the same penalty, that Williame Wallace, younger, of Johnnstoun, his tenants and servants, shall be harmless of the said principal. Edinburgh, 9th Feb. Caution for Hamilton of Raploch.

Caution in 2000 merks by Robert, Lord Ros, as principal, and Robert Hammiltoun, elder, of Dalsarff, as surety, that the said Lord Ros shall not harm Williame Wallace, younger, of Johnnstoun, his tenants or servants. Caution for Robert, Lord Ross.

Fol. 88, a. Caution in 1000 merks by Williame Buntene of Ardoch for Williame Hair of Pennell that he will not harm Thomas Knox of Selmland, and Johnne Knox, his son, or their tenants and servants. Caution for William Hair.

Caution by Mr Robert Glen, younger, burgess of Edinburgh, for James Sandielandis of Calder, Lord Torphichin, and James Sandielandis of Slamannane, his tutor, that they shall pay to Johnne Arnott, collector of the late taxation of £15,000, the sum of £65, 17s. 7d., for the taxation of the preceptory of Torphichin, if decerned so to do, "and that for obedience of the command of the letters execute aganis thame for that effect, quhilkis ar suspendit to the last day of Februare instant." The said Johnne, and Mr David M^{c}kgill, advocate, are ordained to be warned to appear on 20th inst. to attend the trial, and Mr Andro Sandelandis, son of the late James Sandielandis of Sanctmonanis, becomes cautioner in relief for Mr Robert Glen. Edinburgh, 10th Feb. Caution for Lord Torphichen.

Cautioner by James Kynnynmonth of Wester Muthie for Williame Cuthbert, Johnne Adam, elder, Johnne Adam, younger, James Wilky, James Grig in Carsbank, and Thomas Wilky, in 100 merks each, that they shall answer before the Privy Council, upon the 1st March next, to the complaint made against them by Johnne Ogilvy of Ballinsho, and Henry Ogilvy, his son. Edinburgh, 13th Feb. Caution for William Cuthbert and others.

Sederunt—Angus; Vice-Cancellarius; Episcopus Orcadensis; New- Holyrood-house, 16th Feb.

Quene his mother might drink the ale and beere which her selfe had brewed; further, that, having bound her selfe to the Quene of England to doe nothing against her, she ought to have kept her promise; notwithstanding, that he woude no waye faile in his dutie and naturall obligatione he ought her" (Note in M'Crie's "Melville," i. 461, edit. 1824). This is not inconsistent with one of the King's letters to London, in the course of the negotiation for his mother's life, in which, after speaking of "the pretended condemnation of his mother," expressing his sorrow that Queen Elizabeth "hath suffered it to proceed so far to his dishonour," and declaring that "King Henry the Eighth's beheading his bedfellow was a tragedy far inferior to this if it proceed as seemeth to be intended," he requires Douglas's "most earnest diligence to be used in the matter, as he loves his master's honour" (Abstract in "Calendar of English State Papers relating to Scotland," p. 538). There can be no doubt that his proceedings and remonstrances, through his ambassadors in London, were complicated by the consideration that his chances of succeeding to the English throne depended much on Elizabeth's pleasure, and that the ambassadors were as well aware of this as Elizabeth herself.

bottle; Culrois; Coldenknowis; Clericus Registri; Lynclowden, Collector. Acta 1585–87.

Order consequent on the proceedings of the Earl of Angus in the recent Justice Court at Jedburgh, and especially respecting a number of Border delinquents who had absented themselves from that Court.

At the Justice Courts lately held at Jedburgh, upon the inhabitants of Roxburghshire, by Archibald, Earl of Angus, lieutenant and justice within the bounds of the Middle and East Marches,[1] "diverse personis being complenit upoun, arreistit, and chargeit to find souirtie to undirly the law, and thair maisteris, landislordis and baillies commandit to present thame to that effect, according to the Actis of Parliament and generall band," some had appeared and been acquitted, and some, "confessing thair offensis and offering thameselffis in his Hienes mercy and will thairfoir," had found surety "for satisfactioun of the same will, as alswa for assyithment and satisfactioun of pairteis complenand, and to abstene frome all reiff, thift and ressett of thift in tyme cuming, as the Actis maid in the Buikis of Adjornall thairupoun at mair lenth beiris." These latter persons or their sureties now appearing before the King and Council, "his Majestie hes delayed the declaratioun of his will quhill the xxv day of Marche nixt to cum, that he may undirstand how pairteis complenand ar satisfeit in the meantyme."—There remains a third class of persons, to wit "the personis undirwritten," who, "being specialie complenit upoun, and thay and thair maisteris, landislordis and baillies, being chargeit in maner abonewrittin, wilfullie absentit thameselffis, in heich contemptioun of our Soverane Lord and his authoritie, and to the grite defraude and prejudice of trew men haveand thair guidis stollin, reft and ressett be the same personis." They are enumerated thus: "Johnne Davidsoun in Birnerig; George Davidsoun and Hobbe Davidsoun, his brethir; Johnne Scott, bruther to Thome Scott, callit Thome of the Stoir; Adam Scott in the Wraa; Gawine Scott thair; Edmond Crosar, sumtyme in Bedroull; Thome Ruthirforde, callit Lippie; Martine Ellott, callit the Blak Baird, in Harwode; Will Scott, callit Stand in the Rayne; Andro Scott, callit Braidis Andro; Willie Scott, his bruther; Walter Turnbull, callit of Howpisburne; Thomas Turnbull, his son; Rowe Achiesoun, undir Buckcleuch; James Achesoun, his sone; David Ellott in the Manis; Johnne Stoddart, cobleman at Hawick; Johnne Niksoun in Dodburne; Stevin Scheill in Mynt; Andro Hietoun, sumtyme undir the Laird of Bedroull; James Anislie, callit Johnis James, in Jedburgh; David Turnbull in Jedburgh; Nichol Olipheir, callit Ouer the Cleuch; Harie Robsoun in Beirhoip; James Broun in the Wems, undir Watt of Hoppisburne; Williame Davidsoun in Lempitlaw; Archibald Ellott, Fol. 88, b.

[1] See *ante*, p. 124, for the order appointing a Justice Court to be held at Dumfries by Lord Hamilton, and one to be held at Jedburgh by the Earl of Angus, both on January 1, 1586–7; and see *ante*, p. 132, for the prorogation of the Court at Jedburgh to January 15. Both noblemen had been energetic in their judicial visits to their respective portions of the Border; for Calderwood tells us that Lord Hamilton, in his visit to the Western Border, "hanged twelve theeves, warded three score," and that the Earl of Angus, in his visit to Jedburgh, hanged sixteen persons and took pledges from the rest (Calderwood, iv. 605). It is with the absconding residue in Angus's district that the present order of Council mainly deals.

Acta 1585–87. callit the Flaill; Johnne Ker, bruther to Andro Ker of Faudounsyde; Jamie Turnbull in Stanielege; Gawine Turnbull, sone to Archie in Hawla; Johnne Scott, callit the Tinklare, in Harwode; Scott, his sone; Jame Scott in Beschawhill; Andro Grahame, callit Litle Andro; Dandie Batie, callit the Peyne; Alexander Scott, bruther to Mathow of Belstanerig; Adie Gowanlok in Eilrig; Hob Armestrang, callit Gleid Hob; Geordie Armestrang, callit Braidswode; Dand Armestrang, his sone; Andro Scott, callit Andro of the Kirktoun; Niniane Grahame, bruther to Litle Andro Grahame; Jok Scott, callit As it Luikis; Jok Robsoun, callit the Pudge; Thome Young, callit the Clan, in Altenburne; Geordie Vauch in Crawis Know; Hob Olipheir, callit Raneis Hob; Jamie Tait in Kirkyottem; Helene Ellott, callit the Witche, in Jedburgh; Thome Hall in Foulscheillis; Willie Hall, his bruther; Gib Ellott, callit Sweit Milk; Petir Ellott, callit the Fart, in Pencryste; Geordie Turnbull, callit the Duddis; Andro Turnbull, bastard sone to Heckie of Belseis; George Davidsoun, bastard sone to James Davidsoun in Byrnirig; Paitt Gavinlok in Quhyninclcuch; Archie Scott, callit Creillmanis; Archie, hantand in Meidshaw; Will Scott, callit Mynedirt; Henry Tait in Bog; Dande Tait, his bruthir; Jok Tait in the toun of Halroule; Jok Mak, sone to Nichol Mak in Fawlay; Vogan in Borthuikscheillis; Will Gavinlok; Archibald Ellott in Muselit, undir the Laird of Cheisholme; Jonnett Turnbull in Ancrum; Davie Ker in Halden; Thome Wrycht in Ancrum Spittall; Johnne Langlandis thair; Archie Turnbull, callit Unthank; Eckie Turnbull of Catlie; Pait Richesoun, bruther-in-law to Ekkie in Belses; Rowy Burne, sone to Cuddy Burne in Cliftouncott; Willie Davidsoun in Quhittome, callit Quhytelawis; Jok Davidsoun, his bruther; Johnne Gledstanes of Windingtounhall; David Moscrop, burges in Jedburgh; Williame Ruthirfurde in Kirkyettane; George Dowglas, callit Peilman, in Sweinsyde; Adam Turnbull, brother to Geordie in Belseis; Andro Turnbull, bastard sone to umquhile Ekkie in Belseis; Thomas Turnbull in Deynesyde; Johnne Schevill in Fodderley; George Bell in Branxholme; David Anislie in Birkinsyde, callit Dand of Thiksyde; James Vauch in Borthuikscheillis; David Bawty, the oistlar, thair; Dande Ellott, youngar, in Borthuikmanis; George Vauch in Eidschaw; Hob Armestrang in Lairhoip; Will Gavinlok." Now, "albeit the saidis personis, for thair said contempt and dissobedience, worthelie aucht to have bene declairit fugitives, and to have bene persewit thairfoir in bodyis and guidis with all extremitie," yet his Majesty, willing to "saulff all his subjectis that sall not utterlie reject his favour and clemency, hes supersedit and continewit the proclamatioun of the saidis personis as fugitives, or to persew thair bodyis and guidis as dissobedient personis and rebellis, quhill the said xxv day of Marche nixt to cum, to the effect that thay may have space and acces to seik and accept the benefite of his Majesteis favour and clemency foirsaid." Accordingly, the persons abovewritten are to be charged, by open proclamation at the market crosses of Jedburgh, Hawik, Selkirk, and other places needful, to find sufficient sureties to the said Lieutenant by the

25th of March next that they also shall satisfy the King's will, and the parties skaithed by them, and abstain from all theft, reiff and reset of theft in time coming, under pain of rebellion. "Be it alwayes undirstand that the personis being at the horne for the maist odious slauchtaris of the brethir of Grymmislawis, sones to the Laird of Litle Newtoun, and of the sone of George Turnbull of Vowly, and of umquhile Johnne Hammiltoun of Cumnok, ar not comprehendit undir the benefit of this proclamatioun," but that these persons shall be pursued and punished with all rigour according to their deserts.—Parties who have received sureties for assythment and redress of their skaith are requested to "meane thame to his Hienes and his Counsall" on the said day, if they have not had satisfaction made to them by that date. Acta 1585–87.

Caution for Duncan Campbell of Glenorchy.

Caution in 5000 merks by Duncane Campbell of Glenurquhy, as principal, and Sir Umphra Colhoun of Lus and Johnne Cunynghame of Drumquhassill, as sureties, that Jeane Ruthven, Lady Strathurde, her tenants and servants, shall be harmless of the said Duncane. Also the said Sir Umphra and Johnne become bound, under a penalty of 3000 merks, to enter the said Duncane before the Justice in the tolbooth of Edinburgh, when required upon 15 days' warning, "to underly the law for the allegeit hocheing and slaying of xxii ky with calff, foure oxin and ten stirkis, pertening to the said Jeane Ruthven, upoun the xi day of Januar last bipast." The said principal and cautioners oblige themselves in like manner to present Archibald Campbell, brother of the said Duncane, and Duncane Dow M^{c}kgilligorich Oir, and Moreis M^{c}knawchtane, his domestic servitors, before the said Justice, to answer for the crime above written. The said Duncane Campbell and Johnne Campbell of Lawaris are to relieve the foresaid cautioners of the premisses. Fol. 89, a.

Edinburgh, 17th Feb. Caution for Archibald Campbell.

Caution in 1000 merks by Duncane Campbell of Glenurquhy and Johnne Campbell of Lawaris for Archibald Campbell, brother of the said Duncane, that Jeane Ruthven, Lady Strathurde, her tenants and servants, shall be harmless of him, and that he will answer, upon 15 days' warning, before the Justice for the foirsaid crime of houghing and slaying her cattle.

Edinburgh, 18th Feb. Caution for Colin Campbell of Ardbeich.

Caution in £1000 by James, Lord of Down, for Coline Campbell of Ardbeych, that he will not harm the said Jeane Ruthven or her tenants, and in £500 that he will answer before the Justice, when warned, for the crime of houghing and slaying her cattle as aforesaid. Also, the said Coline, as principal, and the Lord of Down, as surety, bind themselves to enter Patrik Bell, servitor of the said Coline, before the Justice, upon 15 days' warning, "to undirly the law for the cryme abonewrittin, as alswa for the slaying of twa meiris with foill and ane hors, pertening to Adam, Commendatar of Cambuskynneth, and for the thiftuous steilling and awaytaking of foure horssis pertening to him furth of his stablis in Cambuskynneth" in March 1583. There is caution also by the said Coline, as principal, and Lord of Down, as surety, that the said principal

Acta 1585–87. shall appear before the Privy Council, upon 15 days' warning, under the pain of £1000.

Caution for George Prestoun of Camron.

Caution in 2000 merks by George Prestoun of Cameroun, as principal, and Patrik Howstoun of that Ilk and James Lawsoun of Humbie as sureties, that Alexander Edzar, and Johnne Edzar, burgess of Edinburgh, his brother, and their tenants and servants, shall be harmless of the said principal.

Band for John Leslie of Auchorties.

Fol. 89, b. Registration of obligation presented by Mr Johnne Prestoun, advocate, as procurator for Johnne Leslie of Balquhane, containing caution in £500 by the said Johnne Leslie for his "gude freind," Johnne Leslie of Auquhorteis, that he shall obey the contents of the King's letters obtained by James Mortimare, fiar of Cragyvar, "for delyvering and randering to him the place and fortalice of Auquhorteis, with the haill guidis, geir, plennessing and uthiris being thairin, conforme to the saidis letters in all pointis, sa fer as he hes not alreddy done, or that salbe fundin be the Lordis of oure Soverane Lordis Counsall and Sessioun, or Lordis of Secrete Counsall, he aucht to do"; also, that his goods shall be forthcoming to the King's donators in case he shall be put to the horn at the instance of the said James for not delivering to him the said place and fortalice of Auquhorteis, "with the barnis, byris, biggingis and uthiris abonespecifeit standing upoun the shaddow halff thairof." Subscribed at Fitterneir, 10th February 1586, before these witnesses: Patrik Leslie of Kincraigie, Johnne Gordoun of Brakou, James Leslie, burgess of Abirdene, Mr Alexander Davidsoun, notary public.

Edinburgh, 19th Feb. Caution for Duncan Campbell of Glenorchy.

Caution in 5000 merks by Duncane Campbell of Glenurquhy, as principal, and Johnne Campbell of Lawaris and Johnne Campbell of Caddell, as sureties, that the said Duncane shall appear before the Privy Council, to answer *super inquirendis*, upon 15 days' warning.

Holyroodhouse, 22nd Feb.

Sederunt—Mar; Vice-Cancellarius; Thesaurarius; Magister de Gray; Pluscardin; Coldenknowis; Clericus Registri; Murdocairny; Joannes Seytoun; Magister Petrus Young.

In the matter of the feud between the Earl of Atholl and the Earl of Huntly.

Complaint by Johnne, Earl of Athoill, as follows:—It is not unknown "that thair is deidlie feid and contraversie presentlie standing, as it hes done this lang tyme bigane," between him and some of his friends, on the one part, and George, Earl of Huntley, lieutenant and justice in the North, and

Fol. 90, a. certain of that nobleman's friends, on the other part. "For removing quhairof, eftir assureancis grantit be ather of thame to uthiris [*ante*, p. 131], travellis wer tane be certane indifferent personis, to quhome ather of thair greiffis and occasionis thairof being opynnit, and all thingis offerit to be performit on the parte of the said Erll of Athoill that mycht satisfie the said George, Erll of Huntley, his freindis and dependaris, in all thingis that of ressoun culd be cravit of him and his,—thay ressaving the like, sen thay had na les or rather mair caus to crave the same of thame,—the said George, Erll of Huntley, not onlie refusit to conforme himselff to the

jugement and determinatioun of sic personis as tuke travellis in this behalff, bot eftir the expiring of the said assurance causit denunce his evill will and inimytie aganis the said Johnne, Erll of Athoill, and his avowing to execute the same aganis thame to the uttermost. Like as, for the mair manifestatioun of his preconsavit malice aganis the said complenare causles, he hes of lait causit apprehend certane of his tennentis, aganis quhome he intendis to proceid maist partiallie in his justice courtis now appointit to be haldin be him within the boundis of his lieutenandree, and swa undir cullour of justice to bereve thame of thair lyveis, and to intromett with thair guidis. Like as he intendis to use the like partialitie aganis uthiris, the said complenaris tennentis, servandis and dependaris, to thair grite hurte and appeirand brek of the cuntrey, quhilk be withstanding of his violence in end will fall oute, gif tymous remeid be not provydit."—The Earl of Huntley having been summoned to hear the Earl of Athoill and his partakers in the feud abovewritten exempted from the jurisdiction of his lieutenancy and justice courts, or else to show cause to the contrary, and the complainer appearing by Mr Patrik Quhytlaw of New Grange, his procurator, but the defender making no appearance, the Lords grant to the Earl of Athoill and his friends, partakers with him in the said feud, exemption from the Earl of Huntley's lieutenancy and justiciary, and "licencis and permittis thame to remane and byde at hame fra all the saidis lieutennent and justice courtis, and fra all comperance thairin upoun pennell inqueistis or assyissis in tyme cuming during the haill tyme of the said commissioun." Acta 1585-87.

To denounce Scott of Sinton for not presenting a servant of his charged with offences.

Complaint by James Sinclare in Ewingstoun, as follows:—"Johnne Scott of the Palice, servand to George Scott of Syntoun, having ressett Johnne Ker and his complices, quha maisterfullie and perforce come to the ground of his saidis landis of Ewyngstoun, hocheit and slew his oxin maist schamefullie, stall and awaytuke foure horssis pertening to the said James oute of his harrowis, being wirkand upoun the saidis landis, and having as yit ane of the saidis horssis in his possessioun,—like as he hes keipit still continualie sen the said reiff and spuilyie, not unknawne to the saidis Lordis,—hes thairthrow brocht him to utter wrak and povirtie; and now the said George Scott, maister to the said Johnne, being presentlie in this toun, and the said Johnne being sic ane dissolute and lawles persone as he will not compeir befoir the saidis Lords for na chargeis without his said maister be charged to present him, necessar it is to him to have chargeis on his said maister for exhibiting of him befoir the saidis Lordis."—George Scott having been charged to present the said Johnne, his servant, or else to show cause to the contrary, and James Sinclare appearing personally, but the said George making no appearance, the Lords ordain the said George to be denounced rebel. Fol. 90, b.

Edinburgh, 24th Feb. Caution for John and Alexander Edgar.

Caution by Robert Cunynghame, burgess of Edinburgh, for Johnne Edzar, and Alexander Edzar, his brother, each under the pain of 1000 merks, that George Prestoun of Camroun shall be harmless of them.

Acta 1585-87. Caution in 2000 merks by Thomas Forrestar of Strathaurie, George Martine of Cardoun, and James Lindsay of Dowhill, for Williame Forrestar, younger in Leyth, that he will not harm Johnne Menteith, servitor of Alexander, Lord Hume, his tenants or servants,—Robert Cathcairt, notary public, subscribing for Lindsay of Dowhill, who cannot write. Edinburgh, 25th Feb. Caution for William Forrester.

Caution in 1000 merks by Johnne Ross of Cragy for Williame Hering of Callie, that he will not harm Duncane Campbell of Glenurquhy, his tenants or servants. Edinburgh, 2nd March. Caution for Heron of Callie.

Registration by Mr Johnne Moncreiff, advocate, as procurator for Sir Andro Murray of Arngosk and Andro Hering of Glasclune, and by Johnne Haliday, as procurator for Jeane Ruthven, Lady Strathurde, and Hary, Mr David, and Abraham Creichtonis, her sons, of a caution by the said Sir Andro and Andro Hering for the Lady Strathurde and her said sons, in 1000 merks each, that Duncane Campbell of Glenurquhy, his tenants and servants, shall be harmless of them in their bodies and goods. Subscribed at Glasclune, 27th February 1586, before these witnesses: Archibald Hering of Drymmy, Mr James Hering, provost of Methven, Andro Hammiltoun, servitor of Mr Johnne Moncreif, advocate, and David Buchan. Archibald Hering of Wester Gormok signs for the Lady Strathurde, who cannot write. Band for the Lady Strathurd and her sons.

Fol. 91, a.

Sederunt—Angus; Mar; Vice-Cancellarius, Orknay; Culrois; Neubottle; Pluscarden; Blantyre; Clericus Registri; Clericus Justiciarie; Coldenknowis; Lynclouden, Collector Generalis. Edinburgh, 6th March.

Complaint by Johnne Dunbar of Barmure, as follows:—He had obtained a decree before the Lords of Session against Archibald Slewman in Sorne and Robert Tailliour at Sorne mylne, tenants and servants of Williame Dunbar of Entirkin, ordaining them to restore to him the goods, jewels, gold, silver, evidents, writings, and other articles mentioned in the said decree or the prices of the same, "wranguslie spuilyeit" by them furth of his house of Barmure upon 21st May 1581. For disobeying said decree they had been put to the horn on 19th April last; ever since which time they had "maist proudlie and contempnandlie" remained at the horn, "like as thay do yit unrelaxt thairfra, takand na regaird thairof." Indeed, "to the forder contempt of his Hienes, thay ar resset, intertenyit and kepit in the cumpany and houshald of the said Williame Dunbar of Entirkin, thair maister, fortifeit and mantenit be him in thair rebellioun and dissobedience, and at all tymes of thair persute be vertew of letters of captioun or uthirwayes they ar ressett and kepit within the places and houssis of thair said maister."—Williame Dunbar, having been charged to present the said persons, appears by David Dunbar of Daldorch, who pleads that, although the said rebels dwell upon the lands of Dunbar of Entirkin, "yit, be the lawis and consuetude of this realme, the shereff of To denounce Dunbar of Enterkine for not presenting two defaulting tenants of his.

the schire quhair they duell, and not he, aucht to have bene chargeit to have takin, apprehendit and presentit thame." The complainer, who is personally present, replies that the said Williame is bound for their entry by the general band, he being their landlord; and the Lords, concurring in this view, find that the defendant has disobeyed the charge given him, and ordain him to be denounced rebel. Acta 1585–87. Fol. 91, b.

Suspension of the denunciation of William Cuthbert and others.

Complaint by Williame Cuthbert, Johnne Adam, elder, Johnne Adam, younger, James Wilky, James Grig in Carsbank, and Thomas Wilky, as follows:—Johnne Ogilvy of Ballinscho, and Henry Ogilvy, his son, alleging that the complainers resetted Johnne Lindsay, brother of David, Earl of Craufurde, and Andro Pigott, being rebels, "and that thay outputt thair bestiall and guidis upoun the saidis Johnne and Henryis haningis, medois and growand cornes," and otherwise molested them in their possessions, had obtained letters charging the said complainers to answer before the Council, under pain of rebellion, and have since, for "allegeit non-comperance," caused them to be put to the horn. Now "it is of veritie that the saidis complenaris wer nevir personalie chargeit be vertew of the saidis letters, nor na copy thairof delyverit, nor intimatioun of the same maid to thame as aucht and suld have bene; and swa the knawlege of the said allegeit charge come nevir to thair earis; quhilk gif it had done, the saidis complenaris wald have comperit" and would have "justifeit thair awne innocency." They had also found caution for their appearance; and, on these grounds, they crave suspension of the letters of horning. —The complainers appearing by Johnne Traill, their procurator, but the two Ogilvys not answering to summons, the Lords do suspend the letters.

Edinburgh, 11th March. Caution for Campbell of Glenorchy and his brother.

Caution by Johnne Campbell of Laweris for Duncane Campbell of Glenurquhy in 2000 merks, and for Archibald Campbell, his brother, in 1000 merks, that they will not harm Hary, Abraham, and Mr David Creichtonis, sons of Jeane Ruthven, Lady Strathurde, or Williame Hering of Callie, or their tenants or servants.

Band by William Forrester and Mr Richard Spens.

Registration by Johnne Haliday, as procurator for Williame Forrestar, elder, in Leith, and Mr Richard Spens, advocate, in Edinburgh, of obligation as follows:—Thomas Forrestar of Strathendrie, James Lindsay of Dowhill, and William Martine of Carden, having become cautioners and lawburrows for Williame Forrestar, younger, in Leyth, Williame Forrestar, elder, in Leith, and Mr Richard Spens, advocate, become bound to relieve and keep skaithless the foresaid cautioners. Subscribed at Edinburgh, 28th February 1586, before these witnesses: Mr Johnne Archibald, George Sandersoun, Andro Moncur of that Ilk. Fol. 92, a.

Dalkeith, 12th March. Payment to Mr John Colvill of the sum of 540 merks.

Johnne Arnott, collector of the late taxation of £15,000, is commanded to pay, without delay, to Mr Johnne Colvill, chanter of Glasgow, the sum of 540 merks out of the said taxation, such sum to count as part of "ane yeirlie annuelrent" due by his Majesty to the said Colvill until he is paid the sum of 5400 merks, "conforme to his letters of allowance and promeis

Acta 1585–87. of payment undir the Prevey Seill grantit to the said Mr Johnne thairupoun."

Holyrood-house, 12th March. Revocation of a pension granted to the Master of Mar.

The letter of gift made by the King to Alexander Erskin of Gogar of the pension of 9 chalders, 7¾ bolls of malt and 10 chalders, 13¾ bolls of meal, out of the third and superplus of the bishopric of Glasgow, is revoked and annulled, and the Collector General of the superplus and thirds of benefices is ordained to uplift and intromit with the said pension of the crop 1586 and yearly in time coming, just as if the said gift had never been passed.

Edinburgh, 14th March. Caution for William Drummond.

Caution in £100 by Sir Umphra Colhoun of Lus for Williame Drummond, son of Sir Robert Drummond of Carnok, that he shall answer before the Privy Council upon 18th March inst. to the complaint made against him by Duncane Forrestar of Quenishauch.

Holyrood-house, 17th March.

Sederunt—Joannes, Comes de Mar; Thirlstane, Vice-Cancellarius; Coldenknowis; Blantyre; Clericus Justiciarie; Murdocairny; Magister Petrus Young.

David Halden against the provost and bailies of Stirling for liberating a Highlander accused of theft and murder.

By virtue of King's letters raised at the instance of David Halden, brother-german to Johnne Halden of Glennegeis, charge had been given to Robert Forrestar of Boquhane, provost, Johnne Forrestar, Malcolme Wallace, and James Castellaw, bailies of Striviling, "to have brocht and presentit" before the King and Council, at a certain day now past, for trial by assize, a certain Walter Dow M^{c}kilreoch, "quha, being apprehendit be the said David Halden and delyverit to the said Malcolme Wallace, and be him committit to warde within the tolbuith of the said burgh, wes lattin to libertie agane furth of the samin, eftir souirtie fundin be the said David to have persewit him for thift, murthour, ressett of thift and sindrie uthiris crymes, without ony warrand had be the saidis provest and baillies to the same effect."—Parties having been called, the said Johnne Forrestare, one of the bailies of Striviling, appears and admits that the said Walter was committed to ward within their tolbooth, and that, as he had not been apprehended "with ony fang nor yit be letters of captioun or commissioun," they had liberated him upon Mungo Grahame of Rathernis becoming cautioner for his re-entry to stand trial for such things as he might be accused of by the "saidis Johnne and David Haldenis, and Elizabeth Lundy, his moder." To this David Halden replies that, "seing the said Walter wes taken, apprehendit and committit to warde for the saidis crymes of thift, murthour, and uthiris the like odious crymes, and souirtie fundin for his persute," the said magistrates should not have released him before he had been tried. The judgment of the Lords is that the said provost and bailies shall, under pain of rebellion, enter Walter Dow M^{c}kilreoch before the Council upon 3rd April next, to the effect order may be taken with him, they having relief against Mungo Grahame, cautioner foresaid for his entry, "eftir the forme and tennour of the Act maid to the same effect."

Fol. 92, b.

Caution for the entry of John Robson.

Caution in £400 by Williame Hume, elder, in Bassinden, Johnne Hume of Carrallsyde, and Walter Carnecroce in Lugat, for the entry, upon 15 days' warning, of Adam (? Johnne) Robsoun in Thorbrandisheuch before the Justice, to underlie the law for such crimes as Sir Williame Sinclare of Hirdmestoun and his tenants have to lay to his charge. Acta 1585 87.

Act in favour of Mr William Erskine, Archbishop of Glasgow.

His Highness having lately presented Mr Williame Erskin to the archbishopric of Glasgow and to the possessions thereof during his lifetime, there is now the following explanation by the King and Council in that matter:—His Majesty, "meaning to imploy James, sumtyme archiebischop of Glasgow, in his service", has "restorit and reponit *in integrum* the said James, sumtyme archiebischop of Glasgow, aganis the sentenceis of foirfaltour and barratrie gevin contrare him for all offenssis and crymes thairin contenit, and uthiris committit be him bipast quhairwith he may be chargeit, and to all his landis, beneficeis, rowmes, possessionis, broukit and possest be him at ony tyme befoir the saidis sentenceis, and as the same had nevir bene gevin." To reconcile this with the appointment of Mr Williame, "our said Soverane Lord willis, and be the tennour of the said letters declairis, that the said Mr Williame hes and sall have full rycht to all and sindrie proffittis, commoditeis, emolimentis, males, fermes and dewteis of the said archiebischoprik, intromettit with, upliftit and ressavit be him, his factouris, chalmerlanis and uthiris in his name, at ony tyme preceding the date of thir presentis, and siclike in tyme cuming, ay and quhill the said James, sumtyme archiebischop of Glasgow, be fullelie restorit and rehabilitat be oure said Soverane Lord and his saidis three Esteatis in Parliament, unto the quhilk tyme his Hienes will and grantis that the said Mr Williames provisioun foirsaid sall stand in full force, strenth and effect, siclike and in the samin maner as gif his Hienes foirsaidis uthiris letters had not bene grantit in favour of the said James, sumtyme archiebischop of Glasgow." It shall therefore be competent for Fol. 93, a. the said Mr Williame to execute decrees against the tenants of the said archbishopric, to pursue for the rents of the same, and to intromit with the duties, fruits and rents of the said benefice owing to him, "of termes and yeiris bipast, and siclike in tyme cuming," and to dispone thereof to his own utility and profit, "ay and quhill the said James, sumtyme Archiebischope of Glasgow, be fullie restorit in Parliament." The Lords of Council and Session are required to grant to the said Mr Williame letters in the four forms for compelling payment by tenants "addettit in the saidis fructis"; and publication of the premisses is to be made at the market crosses of Edinburgh, Glasgow, and Peblis.[1]

[1] Since 1581, when James Boyd, Archbishop of Glasgow, died, the holder of the see, so far as depended on the King and Court, had been that Mr Robert Montgomery respecting whom and his rights to the office there had been so violent a struggle between the Court and the Presbyterians in their ecclesiastical assemblies (see vol. iii. in various places, by Index). Now, however, in the beginning of 1587, as Spotswood explains (p. 364), "Montgomery, being redacted to great necessity, and not knowing what course to take,—for, the Duke of Lennox his agents having possessed themselves in the bishoprick, he was no more acknowledged,—did resign his title in favour of Mr William Areskin,

Acta 1585–87. Registration by Mr James Wardlaw, as procurator for James, Lord of Down, and Coline Campbell of Ardbeich, of a caution in 1000 merks by the said Lord for the said Coline, that he will not harm Hary, Abraham, and Mr David Creichtonis, Williame Hering of Callie, or their tenants and servants. Subscribed by the parties at the Castle of Down, 18th March 1586.

Edinburgh, 20th March. Band for Colin Campbell of Ardbeich.

Caution in £500 by Johnne Cowpar, tailor, burgess of Edinburgh, and Andro Borthuik in the Cannogait, for Mr Johnne, son of the said Johnne, at present in ward in Blaknes, that, on being releasit, he shall "mak satisfactioun to the Kingis Majestie for the offence committit be him" by the 1st of May next, or else shall enter again in ward within the said castle on that day, and in the meantime that he shall "abstene frome preiching of the Worde and ministratioun of the sacramentis" without the King's licence to that effect. Johnne Andro, clerk of Council, subscribes for Johnne Cowpar, the father, "becaus I can not wryte."—(See *ante*, p. 142.)

Edinburgh, 22nd March. Caution for Mr John Cowper.

"Forsamekle as, David Menzies and Alexander Howesoun, baillies of Abirdene, Maisteris Petir Blakburne and Williame Lesk, ministeris of the same burgh, being chargeit be oure Soverane Lordis letters to have comperit personalie befoir his Majestie and Lordis of Secrete Counsall at ane certain day bipast, to have answerit to sic thingis as suld have bene inquirit of thame at thair cuming, thay kepit the dyet appointit to thame for the same effect, and remanit with his Majestie at Dalkeyth the space of three dayis, awaiting upoun thair calling, and, be ressoun of the absence of his Hienes Counsall, his Majestie tuke occasioun be himselff to inquire thame upoun sic thingis as thay wer dilatit of, and is satisfeit with thair answeris maid thairanent. And thairfoir his Majestie, with avise of sa
Fol. 93, b. mony of his Hienes Privey Counsall as ar presentlie resident at Edinburgh, hes, be his Hienes directioun, desertit, and be thir presentis desertis, the foirsaidis letters and dyet thairin contenit, ordaning the same to have na forder force, strenth, effect nor executioun aganis the saidis personis, or ony of thame contenit thairin, in tyme cuming."[1]

Dalkeith, 25th March. Desertion of the letters against two bailies of Aberdeen, and the ministers there, they having kept the diet appointed, and satisfied the King.

parson of Campsie, a friend and follower of the Earl of Marre. This gentleman, being well beloved of the ministery, and otherwise of good parts, obtained the consent of the Presbytery of Glasgow, and was admitted thereto by them, although he was a laick and bare no charge in the Church." But, while such an appointment was less unpopular among the Presbyterians than the appointment of any clergyman would have been, the King, it seems, remembered at this juncture "James, sumtyme Archbishop of Glasgow," —*i.e.*, James Beaton, the last Roman Catholic Archbishop, who had been in exile since 1560, living in Paris, first as Mary's ambassador there, while she remained Queen, and then as her active agent so long as she lived (see vol. iii. pp. 102 and 106). The "service" in which James now proposed to employ Beaton was in some accredited embassy for him at the French court in revenge for the execution of Queen Mary, should such revenge be necessary (see M'Crie's "Melville," ii. 71, note). Hence his nominal restoration to the archbishopric, with a view to his actual restoration by Parliament, and hence the arrangement as between him and Erskine. Beaton lived sixteen years beyond the present date.

[1] This will receive farther explanation from a subsequent entry. The offence charged against the ministers was that of having neglected the order to pray for Queen Mary.

Dalkeith, 26th March. Continuation of the Lieutenancy of the Earl of Angus in the Marches, with a number of details arising out of his recent discharge of that office.

The King, with advice of his Council, ordains the commission of lieutenandry and justiciary granted to Archibald, Earl of Angus, within the East and Middle Marches, to continue in full force during his Majesty's will and until the same be expressly discharged. Acta 1585-87.

"Item, that letters be direct chargeing sic personis as wer fugitives and comperit not to undirly the law at the last justice courte at Jedburgh (exceptand sa mony as hes fund souirteis sensyne, quhais names with the names of thair souirteis ar deliverit to the clerk of the Counsall) yit, as of befoir, to find souirtie for satisfactioun of his Hienes will, as uthiris ressavit in his Hienes favour and clemency hes or sall do, and to satisfie pairteis complenand, and abstene fra all thift and ressait of thift in tyme cuming, eftir the forme and tennour of the formare letters direct to that effect, and undir the pane and certificatioun contenit in the same" (*ante*, p. 146).

The names of fugitives from the last justice court of Jedburgh who since then have found due surety in the books of the Lord Lieutenant and Justice of the Middle March:—Robert Davidsoun of Symestoun, pledge and surety for Williame Davidsoun of Throgden, called Quhytelawis, and Johnne Davidsoun, his brother; Johnne Scott of Robertoun, pledge and surety for Jame Quhyte in Borthuikscheilis; Andro Ker of Pharnyhirst, pledge and surety for George Turnbull in Belsis, David Turnbull, his brother, and Andro Turnbull there; Johnne Ruthirfurde of Hunthill, surety for George Chirden in Jedburgh; Johnne Dowglas in Bankend and Alexander Halyburtoun in Bonejedburgh, sureties for Walter Haliburtoun, sometime in Jedburgh; Sir Thomas Turnbull of Bedroule and Andro Oliver in Ancrum, sureties for David Turnbull in Jedburgh; Andro *alias* Dand Sheill, burgess of Jedburgh, and Williame Scheill there, sureties for Johnne Scheill in Fodderly; Williame Anyslie of Fawlaw and Sir James Anyslie in Jedburgh, sureties for David Anislie in Birkinsyde, *alias* David of Chiksyde; Williame Anyslie of Fawlaw, surety for Johnne *alias* Jok Mak in Fawlaw; Mr Williame Cranstoun, younger, of that Ilk, surety for Williame Rutherfurde in Kirkyettane.

The King, with advice of his Council, ordains the Justice Clerk or the said Lord Lieutenant to "inquire or ressavē dittay upoun the ressettaris, supplearis and intercommonaris with the murtheraris of the brethir [of] Grymmislawis, sones to the Laird of Litle Newtoun, of umquhile the sone of George Turnbull of Vowley, and umquhile Johnne Hammiltoun of Cumnok."

Declared that "sic as gatt souirtie for redres of thair skaythis and wantis the same, and yit hes not complenit to his Hienes, seing the blame is in thameselffs and the actioun saulf to persew quhen they think tyme, how sone complaintis salbe maid thairupoun, answeris salbe gevin thairunto, according to ressone and justice, and to the contentment of the complenaris."

Resolved that the barons and landed men of the Middle March shall not be "pressit as yit with the sureteis promissit be the last band subscryvit at Jedburgh, quhill his Hienes and his Counsall be further avisit thairanent; like as his Majestie will yit differ the declaratioun of his will

Acta 1585-87. upoun the personis, inhabitantis in the said Middle Marche, that become in the same, in hoip of thair thankfull satisfactioun of parteis complenaris and gude obedience at the nixt justice courte, seing the actis of caution standis undischargeit."

The justice court of the sheriffdom of Roxburgh which was continued unto the 5th day of April next shall be fenced by the said Lord Lieutenant on the said day, and thereafter continued till 25th April; and parties having cause of complaint are to be warned to give in their dittays with all goodly diligence, "that the personis complenit upoun may be arrestit in tyme."

All persons denounced rebels and standing at the horn for "utheris slauchtaris nor ar befoir mentionat . . salbe persewit
Fol. 94, a. thairfoir according to the lawis of the realme, and thair escheatis takin up; and that my Lord thesaurar caus a depute or servand of his awne awaitt upoun the said Lord Lieutenant and Justice during the tyme of the said justice [court?], with power to compone in sic thingis as salbe fundin meit and expedient, according to the particular instructionis to be gevin be my Lord thesaurar or his depute thairanent."

Ordered that a justice court "salbe proclamit to be haldin in the burgh of Peblis upoun the xi day of Maii nixt to cum for the schirefdomes of Peblis and Selkirk, and ane uthir justice courte for the schireffdome of Berwick, to be haldin at Hadingtoun upoun the first day of Junii nixt to cum, and that dittayis be takin up and the personis indytit dewlie arrestit in the meantyme."

Holyrood-house, 31st March. Order for the apprehension of James Stewart, late Chancellor, that he may be compelled to make good certain heinous charges of his against the chiefs of the present Government.

It is ordained by Acts of Parliament and Privy Council that any person who, either by speech or writing, libels another without sufficient ground and warrant shall be liable to the same punishment as the person accused in case he were found guilty (*ante*, p. 151). "And now it is of veritie that Capitane James Stewart, lait Chancellair, directit laitlie a letter, writtin and subscryvit with his awne hand, to Claud, Commendatar of Paislay, to have bene caryed be him to the Kingis Majestie; quhilk, nochtwithstanding, wes be his servand Johnne Hammiltoun of Lethem, delyverit to [Harry] Stewart of Cragyhall, with ane requeist of the said Commendataris to cary it to his Majesteis awne hand; and, the same being laitlie presentit be the said [Harry] Stewart to his Hienes, and communicat be his Majestie to the Lordis of his Prevey Counsall, it is fundin to contene a matar worthy of maist seveir and spedy tryall, and to be followit oute to the punishement ather of the noblemen and uthiris delaited, gif thay prove gilty, or, failyeing thairof, to the informaris and authouris of sic ane haynous accusatioun and sklender, tuicheing thame in thair lyveis and honnour." Wherefore, the King, with advice of his Council, having already committed Archibald, Earl of Angus, to the palace of Lynlythgow, "thair to remane in warde as plege for the entree of the remanent that come in at Striviling, quha in generall ar dilaitit till the tent day of Aprile nixt to cum, appointit to thair tryale in

presence of a grite nowmer of his Hienes nobilitie and Counsall, quhilkis ar appointit to be with his Majestie the same day for the same effect," and it being found meet in the meantime "that the said Capitane James Stewart, principal accusar, delatare, and subscryvare of the said letter, salbe apprehendit and presentit befoir his Majestie and his said Counsall, to justifie the contentis of the same letter, or, failyeing thairof, to ressave punischement appointit be the saidis Actis for sic ane haynous accusatioun and sklander": his Majesty now, with advice of his Council, grants commission to the sheriff of Air, the bailie of Kyle Stewart, and the provost and bailies of the burgh of Air, to apprehend Captain Stewart and present him before the Privy Council upon the 10th day of April next, to the effect foresaid. The commissioners, assisted by the lieges within the sheriffdom of Air, and bailiaries of Kyle, Carrik, and Cunynghame, are to besiege strengths and houses held by the said Captain Stewart and his accomplices, using "all kynd of force and weirlike ingyne that can be had for wynning and recovery thairof"; and, if, in pursuit of them, he or any of his partakers shall be slain or hurt, the said commissioners and their assisters are to be exempt from prosecution for the same, criminally or civilly, in time coming. Publication hereof is to be made by open proclamation at the market crosses of Air, Irwing, and other places needful; and the fencibles within the bounds foresaid are to assist the commissioners in executing their commission, under pain of loss of life, lands and goods.[1] Acta 1585-87.

Edinburgh, 3rd April. Caution for the Earl Marischal.

Caution by Mr James Wardlaw, advocate, for George, Earl Marschaell, that he shall poind so much of the corns and goods "being upoun the landis of Allirdes", belonging to Johnne Allirdes of that Ilk, as shall satisfy Margaret Erskin for the duties of her living of the years 1583 and 1585, in case the said Earl shall be decerned so to do. Fol. 94 b.

Holyrood-house, 14th April. Band for the Earl of Morton.

Registration, "presentit be the cautionaris," of a band of caution in 10,000 merks by Johnne, Earl of Mortoun, as principal, Johnne, Lord Hammiltoun, Williame, Lord Hereis, and Sir Johnne Gordoun of Lochinvar, as sureties, that the said Earl shall, with all goodly diligence and "at

[1] Ex-Chancellor Arran, having returned from his wanderings, or supposed wanderings, in Kintyre or Ireland (*ante*, 68), had taken the opportunity of the excitement consequent on the execution of Mary to make a bold stroke for the recovery of his power. He "did now begin to show himself", says Spotswood (p. 363), "and importune the King with delations of Thirlstane and some other Councellors as being accessary to his mother's death, and having a purpose to deliver him to England. These informations he sent enclosed in a letter to the King by Henry Stewart of Craigihall." Calderwood's account (iv. 615) is that "it was alledged that advertisement came from Captan James Stewart, late Chanceller, to the King, that the King would be ather slaine or led captive to England within fyfteene dayes by the Lords who were at the Raid of Stirline," *i.e.*, by such chiefs of the present government as Angus, Mar, and the Master of Glammis. Calderwood hints that there came to be a suspicion afterwards that the whole matter was concocted "to try the affectioun and loyaltie of the noblemen." For the present, however, all proceeds seriously, Angus representing the incriminated nobles, and Captain James to be compelled to make good his charge.

Acta 1585-87. the farrest" within the space of one month after the date of the licence granted to him by the King, "depairt furth of this realme to sum ouer sey pairtis"; that in the meantime he shall do nothing to cause "unquietness" to the King or his realm, directly or indirectly; that during his absence abroad he shall not "practise nor attempt ony thing prejudiciall to the trew religioun, presentlie professit within this realme, or to the present estate and quietnes within the same"; and that he shall not return to this country without the King's licence. Subscribed by the parties upon 12th day of April 1587.

Sederunt—Mar; Thirlstane; Blantyre; Clericus Registri; Clericus Justiciarie; Computorum Rotulator. Holyrood-house, 14th April.

New charge to the Magistrates of Stirling to present the Highland culprit.

Robert Forrestar of Boquhane, provost of Striviling, and Johnne Forrestar, Malcolme Wallace, and James Castellaw, bailies of the said burgh, having failed to present Walter Dow M^c^kilreoch before the Privy Council, conform to the decree given in favour of David Halden, brother of Johnne Halden of Glennegeis (*ante*, p. 153), the said provost and bailies are charged to enter the said Walter upon the sixth day after charge to be directed to them, under the pain of rebellion.

Fol. 95, a.

New order against the exportation of victuals, with discharge of licences to the contrary.

The King having been moved by "inoportune and untymous sutis of divers personis" to grant certain licences for exporting "victualis, fleshe, talloun, and utheris foirbodin guidis," though expressly against the laws and Acts of Parliament, and this being "to the grite hurte of the commoun-weill, and cheifle at this present, quhenas thair is grite derth and scairstie of victuallis, the same derth dalie incressing, and mony houshaldaris be this occasioun drawne to sic extreme miserie that, gif tymous remeid be not providit, a mair feirfull miserie and calamitie appeiris to follow, to the utter wrak and povirtie of his Majesteis gude subjectis, and cheiflie the handy labouraris, quha scairslie can have to sustene thame be thair industrie and labouris, mekle les to furneis thame in clething and uthiris thair necessaris," the said licences are therefore discharged, and publication to that effect is to be made at the market crosses of the head burghs. The ships and goods of persons contravening this act are to be confiscated, and themselves punished in their bodies (*ante*, p. 116); and the magistrates of Edinburgh are to prevent the exportation of the forbidden goods at any port on either side of the Forth from the Brig of Striviling to Fyfnes and Beruik, while the magistrates of Dundee are to act as justices in the same matter on both sides of the Water of Tay.

Sederunt—Ut in die predicto. Holyrood-house, 16th April.

In the matter of the feud between MacDonald of Dunyveg

His Majesty, "upoun gude and necessar considerationis moving him for eschewing of extremiteis and inconvenientis and reduceing of his haill subjectis to his obedience," had remitted the great crimes of Angus M^c^coneill of Dunyveg and Glennis and his accomplices "and causit satisfie

and MacLean of Dowart, and of Highland feuds generally: Charge to MacDonald and others to deliver up certain hostages for MacLean now in their possession.

all thingis that mycht stay thair intendit rigour aganis Lauchlane Acta 1585–87.
M°clayne of Dowart, then detenit in maist strait captivitie," especially by "delivering in the handis and pouer of the said Angus, for the libertie and releiff of the said Lauchlane, Hector M°clayne, his sone and appeirand air, Alexander M°cloyd, brother to Williame M°cloyd of Dunnyvegane, Lauchlane M°Kynnoun and Neill M°Kynnoun, sones to Lauchlane M°Kynnoun of Strathoradell, Johnne and Murdo, sones to Rory M°kneill of Barray, Allane M°clayne, sone to Ewin M°clayne of Ardgowir, and Donald M°clayne, sone to Hector M°clayne, constable of Carnyburgh." But, "becaus it wer na ressoun that the saidis personis suld alwayes remane in sic estate, bot that the contraverseis betuix the saidis parteis, being swa neir freindis, allya, and nychtbouris, suld be indifferentlie hard, considerit of, and componit, as ressoun and equitie cravis," his Majesty now "is deliberat to tak sum speciall panes thairin himselff, be the gude advise of sic of his Counsall as ar maist skilfull in sic effearis and luffearis of the commoun quietnes within his realme." Accordingly, that his intention may take better effect, he "ordanis letters to be direct to officiaris of armes, shereffis in that parte, to pas, command and charge the said Angus M°kconeill, Rannold M°coneill of Sinerby, Johnne M°kane of Ardnamurchan, Archibald M°coneill, sone to Angus Ilach, Neill M°Ky, officiar of the Rynnis of Ilay, Hector M°kallaster of Largy, M°kallastar, tutour of Largy, Johnne Dow M°krannald, and Johnne Moir M°kane, that thay deliver the saidis aucht personis, now being in their handis and pouer, to Archibald, Erll of Ergyll, Lord Campbell and Lorne, or to ony of his speciall freindis and tutouris that sall cum to ressave thame at , upoun the day of . . . saulflie and surelie convoyed to his Majestie, and kepit quhair he sall appoint Fol. 95, b.
quhill the finale ordouring and setling of the mataris in contraversie betuix him and his saidis nychtbouris"; also, to "command and charge the said Angus M°coneill of Dunnyveg and Glennis, Lauchlane M°clayne of Dowart, Donald M°coneill Gorme of Slaitt, Williame M°cloyd of Dunnyvegane, Allane M°connill of Ylanetyirane, and Angus M°connill, his sone, Johnne M°kane of Ardnamurchin, Rory M°Neill of Barray, Rory M°cleud of the Lewis, Torquill M°cleud, his sone, and all uthiris chiftanes of the clannis, inhabitantis [of] the Iles of this realme, personalie or at thair duelling placeis, giff thay can be apprehendit, or be oppin proclamatioun at the mercatt croces of the heid burrowis of the schiris nixt unto thair duelling placeis, to contene thameselffis in quietnes, and to abstene fra all conventionis and gadderingis in armes or uthirwayes, or attempting ony thing be way of deid, quhairby thay may gif his Hienes new occasioun of offence aganis thame, or hinder and disturb his deliberatioun to quyet and pacifie all thair caussis debetable and contraverseis, as thay will answer to his Majestie upoun thair obedience at thair uttermost charge and perrell."[1]

[1] In connection with the matter of this entry, see mention of the two clans, the *MacDonalds* and the *MacLeans*, in vol. iii. p 61, and also a terrible story of "a trouble

Acta 1585-87. Registration by Mr James Schairp, advocate, as procurator for George Dundas of that Ilk and Andro Mersar of Adie, of a band of caution in 2000 merks by George Dundas of that Ilk for Andro Mersare of Adie, that Jeane Ruthven, Lady Strathurde, liferenter of the lands of Balleiff, and Johnne Mersar, her son, with their tenants and servants, shall be harmless of the said Andro Mersar of Mekleour. Subscribed at Edinburgh and Dundas on 20th April 1587, before these witnesses: Alexander Reid, notary, Williame Stewart, brother of Johnne, Lord Innermeyth, James Somervill, Johnne Eistoun, notary. Edinburgh, 20th April. Band for Mercer of Aldie.

Sederunt—Mar; Secretarius; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Coldenknowis. Holyrood-house, 21st April.

Fol. 96, a. Complaint by Johnne Leslie of Auquhorteis, as follows:—For not delivering the place and fortalice of Auquhorteis to James Mortymer, younger, of Cragyvar, the complainer, has been, by virtue of letters obtained by the said James (*ante*, p. 149), put to the horn by Johnne Couttis, messenger. Now, the complainer had not been charged personally, nor at his dwelling-place, nor had he received any proper intimation of the charge; else he "wald have comperit and schawne sindrie ressonable caussis to have stayed the geving of the saidis letters." Farther, immediately after the charge, "and lang befoir the using of the said denunciatioun," he had "deliverit the said place and fortalice, with the guidis and geir being thairintill, upoun inventare, to the said Johnne Couttis, messinger, and ressavit his tickatt upoun the ressaitt of the same, as the samin schawne to the Lordis of Secreit Counsall proportis." On these grounds the letters of horning against him ought to be suspended, and the rather because, for obedience of the command of the said letters, he "hes fund cautioun for randering of the said place and fortalice, incais it be fundin he aucht swa to do."—The complainer appearing by Thomas Harvy, his procurator, while Mortymer and Couttis do not answer to summons, the Lords do suspend the said letters. Suspension of horning of John Leslie of Auchorties.

Complaint by Mr Andro Harvy in Blairis, and James, Thomas, and Williame Harvyis, his sons, as follows:—"The said Mr Andro hes all and haill the salmond fischeing of that part of the Watter of Dee undir the hauch of the Blairis pertening to him, and, conforme to his rychtis and titlis thairof, hes bene in possessioun of the same, be himselff, his servandis and fischearis in his name, thir divers yeiris bigane; quhill of lait, upoun the To denounce John Irving of Kingcausie and others.

in the Isles betwixt Mackoneil and Macklain" in the summer of 1586, as told by Spotswood, (pp. 348, 349). The two chiefs, so horribly at feud, were brothers-in-law. "Macklain, by his education on the Continent," says Spotswood, "had learned civility and good manners, and, living accordingly, was in great respect both with his own people and all his neighbours about"; and "Mackoneil, out of an emulation," had quarrelled with him often, and at last had laid a plot for his murder by inviting him to Kintyre in a friendly fashion and then falling on him and his men. There had been a massacre of the men; but Maclean himself, having escaped at the moment, had been detained till his release by that arrangement of hostages for him to which the present Act refers.

tent day of Julii last, that Johnne Irwing in Kingcoussy, Richard, Andro, Alexander, and Johnne Irwingis, his sones, Thomas and Walter Irwingis, his brethir, Alexander Irwing, sone to the said Walter, with uthiris thair compliceis, come to that parte of the Watter foirsaid quhair the said complenaris coble wes lokkit at his lok stok, and maisterfullie and wranguslie brak the same coble and airis thairof, and be way of deid hes stoppit and debarrit the said complenare fra using of the said fisheing sensyne, tending be this forme of maisterfull oppressioun and bangstree to appropriat the said complenaris fisheing to thameselffis maist wranguslie. Like as the personis foirsaidis continualie molestis and troublis the said complenare, his saidis sones, tennentis and servandis, in possessioun of thair landis and levingis, pyndis thair bestiall and guidis by all ordour of law, and haldis thame in houssis without meit, quhairthrow twenty of thame hes deceissit throw hungare. As alswa thai continualie ly at awaitt for the saidis complenaris, umbesettis thair hie wayes in thair ganging and cuming fra thair parroche kirk of Ma[r]y Culter, quhairthrow thay may not saulflie repair to the said kirk without thay be sufficientlie accumpanyed with thair freindis, for feir of thair lyveis. Like as thai have avowit and affermed that, quhenevir the said James sall repair to thair pairtis, thay sal have his lyff, takand the gritare bauldnes heirunto be ressoun of the ressett, mantenance and allowance thay have of Alexander Irwing of Drum, being ane man weill clannit and allyed in the cuntrey".—The pursuers appearing by Thomas Harvy, their procurator, the defendants, failing to appear, are to be denounced rebels. Acta 1585–87. Fol. 96, b.

Holyrood-house, 21st April. Barnbarroch admitted of the Council.

Mr Patrik Vanse of Bernbarroch, being nominated to be member of the Privy Council, and being present, takes the usual oath of office.

Edinburgh, 2nd May. Band for Lady Strathurd.

Registration by Mr Johnne Moncreiff, advocate, as procurator for Andro Hering of Glasclune, and Jeane Ruthven, Lady Strathurde, of caution in 2000 merks by the said Andro for Lady Strathurde, that Andro Mersar of Ady, his tenants and servants, shall be harmless of her. Subscribed upon 25th April 1587, before these witnesses: Williame Hering of Callie, Henry, M[r] David, and Abraham Creichtounis, brothers german of Patrik Creichtoun of Strathurde, Robert Arnott and Johnne Young, servants of Andro Hering of Glasclune,—James Strathauchin, notary, subscribing for Lady Strathurde, who cannot write.

Caution for the Commendator of Cambuskenneth.

Caution by Alexander, Master of Elphinstoun, for Adam, Commendator of Cambuskynneth, that he shall pay to Robert Erskin, fiar of Dun, so much of the sum of £2500 specified in a decree of contravention pronounced against the said Robert, one of the cautioners for the said Commendator's departure furth of this realm, as shall be verified to have been paid by the said Robert to the King's treasurer.

Edinburgh, 4th May. Caution for Graham of Fintry.

Caution by Johnne Huchesoun, merchant, burgess of Edinburgh, for David Grahame of Fintrey, "that all the victuall, meill, and beir quhilkis grew

Acta 1585-87. upoun his awne landis of the Manis, betit and lyand in the heavyn of Dundee, salbe transportit to the ferry of Airth," under pain of confiscation of the victual.

Sederunt—PRESENTE REGE—Angus; Huntley; Mar; Marschaell; Montrois; Vice-Cancellarius; Blantyre; Coldenknowis; . ; Bernbarrauch; Computorum Rotulator; Deir; Murdocairny. Holyrood-house, 5th May.

Fol. 97, a. Complaint by Malcolme Flemyng of Litle Ares, as follows:—Robert Maxwall of Gararie having been denounced rebel for not paying the rents of certain lands to the Prior of Quhitherne, his escheat was disponed to the complainer upon payment of a large sum to the Treasurer for the composition of the same. Accordingly, in virtue of the said gift and of letters obtained by the complainer from the Lords of Council and Session, he had gone, with Johnne M°kmorane, messenger, upon 21st December last, to arrest and inventory the goods of the said Robert. But "the said Robert Maxwall of Gararie, Johnne Maxwall, his sone, Adam M°Cullane, Johnne, Ady, and Thomas M°Cullanis, and Andro M°kconneill, with uthiris thair compliceis, to the nowmer of saxtene personis, all bodin in feir of weir, not onlie maisterfullie and perforce reft and awaytuke the saidis letters fra the said Johnne M°kmorane, messinger, spuilyeit him of his swerd and uthir armour, and deforceit him in the executioun of his office, bot alswa maist cruellie and unmercifullie invadit and persewit the said complenare for his bodilie harme and slauchtar, hurte and woundit him in divers pairtis of his body, and specialie in his left hand, quhairthrow he is mutilat thairof." In these circumstances, "following his Majesteis confortable proclamatioun laitlie sett furth and publissit," he applies for remedy.—The said Robert Maxwall, Johnne Maxwall, Adame M°Cullane, Thomas M°Cullane, and Johnne M°kmorane (the latter, as the complainer is informed, "aggreing with the personis foirsaidis and myndit be collusioun betuix thame to deny the premissis") having been summoned, but not appearing, while the complainer appears personally, the order is to denounce the said five as rebels. To denounce Robert Maxwell of Gararie and others, for not appearing to answer a charge of deforcement by Malcolm Fleming.

Andro, now Bishop of Dunblane, had been promoted to the said bishopric and to the patrimony thereof at a time when the see was vacant, for certain reasons mentioned in the said Andro's provision; and, although the King, "for certane gude caussis and considerationis moving his Majestie," has now restored Williame, sometime Bishop of Dunblane, from the sentences of forfeiture and baratry, and reponed him in all the lands and fruits possessed by him before the said sentences, it is ordered that the said Andro shall have full right to all the emoluments of the said benefice "ay and quhill the said Williame, sumtyme Bischop of Dunkeld, be fullie restorit and rehabilitat" in Parliament. The Lords of Council and Session are, accordingly, required "to grant letters in all the foure formes upoun the personis addettit in the saidis fruitis, to answer and obey the said Act in favour of Andrew, Bishop of Dunblane, notwithstanding the nominal restoration of William, the former bishop.

Andro" and his factors during the said space; and publication hereof is ordered at the market crosses of Edinburgh, Striviling, and Dunblane.[1] Acta 1585-87

Caution for David Morice.

Caution by Andro M°Kairny, merchant, burgess of Edinburgh, for David Moreis, merchant, burgess of the same, that the victual, such as wheat, beir, meal and oats, belonging to the said David, ladened by him at the ports and havens of Dundee and Montrois, shall be brought to the port and haven of Leyth only, under pain of confiscation. David Robesoun notary, subscribes for the said Andro and David, who cannot write.

A Convention of Estates—(*Sederunt* not recorded).[2]

Holyrood-house, 10th May.

"The quhilk day in presence of the Kingis Majestie, his Nobilitie, Counsall and Esteatis presentlie convenit, Schir Williame Stewart, bruther-germane Fol. 97, b.

The Master of Gray accused by Sir William Stewart of having confessed that he himself, Secretary Maitland, Wood of Largo, the Justice Clerk, the Prior of Blantyre, and the Master of the Wardrobe, had been art and part with the noblemen and others who, by their action at Stirling in November 1585, had brought in the present Government: Said assertion of the Master of Gray declared by Lord John Hamilton, the Earl of Bothwell, the Earl of Mar, and others concerned in that action, to be false: Oath of the Master of Gray that he had never made such a statement: The persons inculpated by the alleged statement declared by the King to be untouched by it, and his honest and true servants.

1. The "Andro, now Bishop of Dunblane," was Andrew Graham, who had been Bishop of the see since 1575; the "Williame, sumtyme Bischop of Dunblane," is William Chisholm, previous bishop, under forfaulture for alleged complicity with the murder of the King's father.—(Compare a similar order about the Archbishopric of Glasgow, *ante*, p. 154.)

2. Although this is not one of the Conventions of Estates noted in the printed Acts of Parliament, it styles itself distinctly a Convention of Estates in the present entry and in the next, and it is mentioned as such, with special mark, by Spotswood (pp. 362, *et seq*), and by Calderwood (pp. 613, *et seq.*). Some antecedent facts from these authorities, and from other sources, will make what follows more intelligible:—After the execution of Queen Mary, there had arrived in Scotland, as ambassador from Queen Elizabeth, Sir Robert Cary, one of the sons of Lord Hunsdon, charged with the business of explaining matters to King James, and bringing with him Elizabeth's famous letter to James, in which she expressed the "extreme dolour" with which she was affected by the "miserable accident" that had befallen, and protested that it had happened without her knowledge and against her intention, adding, "I beseech you that, as God and many mo know how innocent I am in this case, so you will believe me that, if I had done it, I would have abode by it. I am not so base-minded that the fear of any living creature should make me afraid to do what is just, or, done, to deny the same." Not this letter, nor the news of the disgrace and imprisonment of the English Secretary Davison on the charge of having let the death-warrant of Queen Mary take effect without due leave, nor all Cary's efforts in Edinburgh, with letters from Walsingham and others of the English ministers, had been of avail as yet to remove the cloud between the two kingdoms and the chance of a rupture of the League. The traditions, indeed, are very positive and exact as to the indifference or levity of James's demeanour when he received the news of his mother's death, and for some time afterwards while he wore mourning for her; but Bothwell and other nobles about him were clamorous for revenge, and immediate reconciliation with Elizabeth was impossible. On the 26th of March it had been concluded not only to send the Laird of Barnbarroch as ambassador from James to Denmark to treat of his marriage (which may account for the recent admission of that Laird to the Privy Council *ante*, p. 162), but also to send Sir William Stewart, brother of the famous ex-Chancellor Arran, as ambassador to France, with a view to new and more intimate alliance with that country. The reappearance of Arran's brother at Court and his appointment to such a post were ominous, the rather because it was with the Master of Gray that Sir William associated himself at Court, and with whom he seemed to be in closest confidence. Where Sir William was at work, Arran himself could not be far off. Arran, in fact, was independently at work with his scheme for the ruin of Secretary Maitland and a change of the Government (*ante*, pp. 157–8). A conjunction between two such brothers and the Master of Gray might lead to extraordinary results. It did lead to extraordinary results, but not in a direction that could have been anticipated. Ostensibly at one with the Master of Gray, Sir William Stewart was to be the agent of his overthrow. At Dunfermline, where the Court then was, Sir William had informed the King that the Master of Gray had been prying into his instructions for his French embassy, and also of the purport of various conversations which the Master of Gray had recently held with him. Nothing was done at Dunfermline; and on the 28th of April the Court removed thence to Holyroodhouse, in view of the Convention

Acta 1585-87. to the lait chancellare, declairit and affermeid that Patrik, Maister of Gray, confessit and declairit to him of lait, amangis uthiris his speichis, that he, togidder with Schir Johnne Maitland of Thirlstane, knycht, secretare, Andro Wod of Largo, comptrollar, Schir Johnne Bellenden of Auchnoull, knycht, justice clark, Walter, Priour of Blantyre, kepare of the Prevey Seill, and Williame Keyth, maister of his Hienes gardrope, wer arte, parte and upoun the foirknawlege of the raid and incuming of the noblemen and uthiris of Striviling in the moneth of November the yeir of God $j^{m}v^{c}$ four scoir fyve yeiris. Quhilkis personis, being personalie present and heiring the said declaratioun and affirmatioun, tuiching thame maist heichlie in honnour and dewitie, cravit and desyrit maist humlie of his Majestie, his saidis Nobilitie and Esteatis, least thay or ony uthiris suld be perswadit the same onywayes to be of treuth, that thai mycht be presentlie tryit, and to that effect that the aythis and declaratioun of the noblemen and uthiris presentlie convenit quhilkis repairit to Striviling at the tyme foirsaid, togidder with the said Patrik, Maister of Gray, allegeit speikare thairof, mycht be presentlie takin, quhairthrow thair innocency or giltynes mycht be knawne and ordour takin with thame as appertenit. The Kingis Majestie, his saidis Nobilitie, Counsall and Esteatis, finding the desire of the foirsaidis personis to be verie ressonable, requirit Johnne, Lord Hammiltoun, Francis, Erll Bothuill, Lord Halis, Creichtoun, and Liddisdale, Johnne, Erll of Mar, Lord Erskin, and certane uthiris quhilkis come to Striviling at the tyme foirsaid, to declair the veritie; and thay, being all sworne, declairit be thair grite aythis that the foirsaidis personis wes nawayes arte, parte, nor upoun the foirknaulege of thair cuming to Striviling; nather had thay nor ony of thame, nor na uthiris being with thame in cumpany, sa fer as thay knew, ony intelligence with thame be letters, messageis, nor na uthir maner of way, directlie nor indirectlie, at ony tyme afoir thay wer ressavit to his Majesteis favour. Likeas the said Patrik, Maister of Gray, being alswa sworne, deponit that he at na tyme maid ony sic confessioun or declaratioun to the said Schir Williame as he presentlie affermis; nather knew he ony sic forme of doing to have bene usit be the saidis personis or ony of thame, bot that thay behavit thameselffs honnest, faithfull and trew to his Majestie in this and all uthir thingis, as become thame of dewitie; and forder, that he spak not of the having of ony letter of the said Walter, Priour of Blantyre, in ane blak box, that wald disgrace him at his Hienes handis, as the said Schir Williame lykewayes affermed; nather had he ony letter of the said Priouris

of Estates which had been thought proper at such a time, the Master of Gray coming after the rest, "suspecting no evil." The first explosion, if Calderwood was correct, was at a Council meeting, or "meeting of the King and Nobilitie conveened in the Counsell-hous," on the 6th of May. At this meeting (of which there is no record in the Register) Sir William Stewart had preferred various charges against the Master of Gray; the Master of Gray had denied them; and, as was usual in such cases, both parties had been committed to ward in Edinburgh Castle till there should be further trial of the matter in the coming Convention. Four days having elapsed, and the Convention beginning this day, May 10, the accuser and the accused are again confronted. Only the first charge, however, and that a comparatively unimportant one, comes into discussion this day.

send to him at ony tyme, saulffing ane missive direct, advertissand him of sum evill will and malice borne to him be the lait Chancellare, proceding, as he than and yit dois suppone, of ane gudewill towardis him; and that he wald not at ony tyme have wissit ony inconvenient to have fallin oute besyde his Majestie. With the quhilk declarationis maid be the saidis noblemen and uthiris foirsaids his Hienes being weill and sufficientlie satisfeit, hes estemit, and presentlie and in all tymes heireftir will and dois esteme, the foirsaidis personis and every ane of thame to be honnest, faithfull, trew, and to have behaved thameselffis in all thingis towardis his Majestie to his Hienes honnour, contentment, and satisfactioun." Acta 1585-87.

CONVENTION OF ESTATES CONTINUED—(*Sederunt* not recorded).[1]

Holyrood-house, 15th May. The Master of Gray further impeached by Sir William Stewart with various treasons, such as (1) having trafficked with France, Spain, and the Pope, for the injury of the Protestant religion in Scotland; (2) having planned the assassination of Secretary and Vice-chancellor Maitland, the Laird of Cowdenknowes, and the Collector-General; (3) having counterfeited the King's stamp and employed the counterfeit to stay the King of France from his intention of sending a force to Scotland in aid of James on behalf of his mother; (4) having, for sumptuous rewards in England, consented to Queen Mary's death. Confession of the Master of Gray to the substance of these charges: Voted a traitor

"The quhilk day, Patrik, Maister of Gray, Commendatar of Dunfermling, compeirand in presence of the Kingis Majestie, his Nobilitie and Esteatis assembled at this present Conventioun, and Schir Williame Stewart, sone lauchfull to Andro, Lord Stewart of Uchiltree, comperand alswa personalie, —thay having bene confrontit of befoir in presence of his Majestie and his Prevey Counsall upoun the occasioun of the dilatioun and accusatioun following, and thaireftir baith committit to warde within the Castell of Edinburgh quhill this present Conventioun of the saidis Esteatis,—the said Schir Williame, now as of befoir, accuseit the said Maister of Gray how he, within this yeir bipast, had delt and travellit in France for sindrie mataris prejudiciall to the trew religioun presentlie professit be our Soverane Lord and his gude subjectis and establissed be law,—cheiflie to have libertie of conscience to use sic forme of religioun as servit every manis appetyte, incontrare the tennour of the Actis of Parliament,—and to this effect gave grite perswasionis and speciall instructionis to the said Schir Williame to deale with certane personis in France, namelie Freir Gray, Mr James Tyrie, Jesuite, and the Erll of Westmureland, banissed oute of England for religioun, and als to have delt be moyane with the Pape and the King of Spayne, that thair ambassadouris or commissionaris mycht have bene directit to the King of France and Duke of Gwyse, willing thame to grant na ayde to the King of Scotland without he gave libertie of conscience to all the Catholikis in his bounds. For the quhilk travell it wes spokin and devisit be the said Maister how the said Schir Williame suld have ressavit sowmes of money. Item, that the said Maister of Gray had travellit in mataris quhilkis gritlie . . . disturbit the estate of the realme, quhairin gif his travellis had tane effect

[1] There having been no great effect from Sir William Stewart's information against the Master of Gray in the meeting of the Convention five days before, and the accuser and accused having been again in ward through the interval, it is only now, at this meeting of the 15th, that we are made aware of the more tremendous and fatal charges that Sir William had in reserve against the Master. The wording of the present entry, however, corroborates our information from Calderwood that the charges had already been made at a meeting of Council, and so proves that the record of that meeting was not kept.

Acta 1585–87. . . bene endangerit, committing thairthrow the cryme of tresoun and specialie trafficq . . to perswade his Majestie . . . . . as the said Maister suld have perswadit . . . . to apply to his tressonable . . .

Fol. 93, a. . usit be the young Laird of . . . . that ever wissit his Hienes weill, honnour and standing, nawayes myndit to be applyable to the devise of sa infamous a persoun. And, seing that first devise not in apparance effectuall, that the said Maister, upoun suddentie, devisit the secund, to witt the death of Schir Johnne Maitland of Thirlstane, knycht, his Majesteis secretare and vice-chancellair, Schir James Hume of Coldenknowis, knycht, capitane of the Castell of Edinburgh, and Mr Robert Douglas, provost of Lynclowden, collectare-generall, all of his Hienes Prevey Counsall, and that, be eirnist perswasioun of the said Schir Williame, to mak his brother, the lait Chancellair, concur with Johnne, Erll of Mortoun, Lord Maxwall, quhome the said Maister affermed that he had maid to that purpois, appointing thame to cum [with ?] the nowmer of fourscoir horssis to Lauder, and thair inclois the saidis Counsallouris in the thak hous quhairin thay wer, till thay had bene gottin to be usit according to the cruell appetyte of the persewaris, as wes devysit be the said Maister, thinking thairby that, sa money of his Majesteis Counsall being takin away be tyme, the said Maister wes the abillare to bring his fetcheis to point concerning the disturbance of relligioun, his Majesteis persoun, and the estate of the realme and commounweill. Item, that the said Maister had counterfute his Majesteis stamp in his hands, and specialie that the said counterfute stamp wes putt be the said Maister to twa letters writtin with his Majesteis awne hand, quhilkis letteris contenit credite to the said Schir Williame to treate in certane mataris concerning his Hienes honnour and the weilfair and estate of the cuntrey; and the same credite the said Schir William wes perswadit be the said Maister to use to ane uthir sense altogidder contrare his Majesties directioun, speciallie willing the said Sir Williame to perswade the King of France to grant na assistance of men to our Soverane Lord at this tyme, schawand that, gif men suld be send in Scotland at his Hienes desyre, it wald bot trouble the Catholickis and malcontentis with the estate present, albeit in treuth the said Maisteris fetche in the matar wes for the only caus following,—to witt that, the tyme of his consenting to death and murthour of the Quene his Majesteis darrest moder for the sumptuous gratitudis and rewardis quhilk the said Maister had ressavit in England, thairfoir he wes undir speciall band and conditioun still to proceid in his formare tressonable dealing, and at the uttermost of his possibilitie to stop and stay his Majestie frome the ayde and concurrence of uthiris foreyne princes, and alswa, giff the said Schir Williame suld crave money at the King of France, it suld bot mak thame stark quha ar enemeyis and hes the handilling of this estate presentlie. Upoun quhilkis all pointis the said Maister of Gray being severalie inquirit and demandit in presence of his Majestie and his saidis Nobilitie and Esteatis, and his ansueris and allega-

worthy of the highest punishment, but his life and heritage spared at the intercession of the Estates: His voluntary farther confession of domestic sedition, and of having sought to impede the King's marriage with the King of Denmark's daughter.

tionis hard and undirstand be thame, questionis being formed upoun the foirsaid accusatioun be the saidis Esteatis and layd to the charge of the said Maister of Gray, he grantit the foure pointis following :—First, that he had writtin to the Quene of England aboute the moneth of August last by-past, without his Hienes knawlege or command, beiring in effect that, giff the Quene of England culd not persave hir awin securitie untaking his Majesteis moderis lyff, QUIA MORTUI NON MORDENT, yet it wer nawayes meit that the same wer done oppinlie, bot rather be sum quietare meane. Secundlie, that he had travellit with sum of France to move oure said Soverane Lord upoun necessitie to grant libertie of conscience. Thridlie, the making and using of his Majesteis stamp in maner befoir rehersit. And Fourtlie, that he had travellit for the rebellioun and troubling of this present estate. All quhilkis foure crymes wer fundin be the Kingis Majestie and his saidis Esteatis to be tressonable and worthie of all hieast punishment; and it wes fund superfluus and neidles to lead ony forder pruffe aganis him in this instance; and that thairfoir the said Schir Williame, as having onlie mellit in the mater for oure Soverane Lordis service, suld be sett at libertie and merited rewaird, and the said Maister, as gilty, to be usit according to his Majesteis will and plesure :—The saidis Esteatis maist humelie and eirnistlie making intercessioun to his Majestie for spairing of the said Maisteris lyffe, as also his heritage, upoun his gude and deutifull behaviour towardis his Majestie in tyme cuming, quhilk being maist gratiouslie and favourablie grantit be his Hienes, the said Maister of Gray thaireftir voluntarlie confessit twa uthir pointis,—to witt that he had travellit for the alteratioun and troubling of the present estate: the uthir point following, to witt that he had travellit for the staying and hindering of oure Soverane Lordis mariage with the King of Denmarkis dochtir, fearing, gif his Hienes suld allya with ony christeane prince professing the said trew religioun, that it suld disturb the intentioun and travellis of the said Maister and his complices, with quhome the said Schir Williame for the caus abonewrittin suld have delt.—Attoure, his Majestie, with avise of the saidis Esteatis, decernis and declairis that, in cais the said Maister, or ony of his kin, freindis, allya or servandis, sall presume or attempt ony violent deid or invasioun aganis the said Schir Williame for the caussis foirsaidis, that thairby thay salbe alyke culpable of the haill crymes foirsaidis as the said Maister himselff; and ordanis letters to be direct for publicatioun heirof at the mercatt croceis of the heid burrowis of this realme and uthiris placeis neidfull, that nane pretend ignorance of the same."[1] Acta 1585-87.

[1] This is the fall at last of that young Master of Gray whose subtle and tortuous statemanship, especially in connection with the affairs and the fate of Queen Mary, is remembered as the track of a brilliant and beautiful snake through three years of Scottish history. For traces of him through those three years see vol. iii. and the preceding portion of the present volume, by the Indexes. The amazement was that his life was spared. Even his estates were spared, save that he lost the Abbacy of Dunfermline, which was conferred on the Earl of Huntly.—Besides this business of the Master of Gray, another great business, of which there is no record in the Register, had occupied the Convention of Estates from

Acta 1585-87. Caution in 400 merks by George Wauchop, burgess of Edinburgh, as principal, and Johnne Fergussoun, macer, burgess of the said burgh, as surety, that George Spens, servant of Mr Richard Spens, advocate, and Hill, his spouse, their tenants and servants, shall be harmless of the said principal. Caution for George Wauchope.

Fol. 98, b. The King, with advice of his Nobility, Council, and Estates, ordains Captain James Stewart, late Chancellor, to be commanded to enter in ward within the palace of Lynlythgow, within six days after being charged, under pain of treason, and to remain there till he justify the contents of his letter lately delivered by Stewart of Cragyhall to the King (*ante*, p. 157) or, failing therein, receive the punishment due. Charge to the late Chancellor to enter in ward.

Sederunt—Angus; Bothuill; Craufurde; Marschaell; Erroll; Mar; Vice-Cancellarius; Thesaurarius; Neubottle; Blantyre; Deir; Clericus Registri; Coldenknowis; Barnbarrauch; Magister Petrus Young. Holyrood-house, 16th May.

His Majesty, having, "be advise of the Lords of his Secreit Counsall and ane parte of his Esteatis," resolved "to direct ambassadouris to the King of Denmark, for treating of grite and wechtie mataris concerning the weill of his persone and realme," had also, "becaus necessar it is that thay have sufficient furnitour to thair passage," required the provost and bailies of Edinburgh "to assemble ane nowmer of the commissionaris of the principall burrowis of this realme, that thay, with ane consent, mycht furneis the saidis ambassadouris the sowme of twa thousand pundis money of this realme for the fraucht and outred of thair ship, thair victuallis, and uthir furnitour necessar to thair voyage." But, "notwithstanding the saidis provest and bailies hes done thair exact diligence for convening of the Assignation to the town of Edinburgh for payment of the sum of £2000, which is to be advanced by the Provost, Bailies, and Council of the same, for the expenses of an embassy to the King of Denmark.

their first meeting of the 10th of May to this, apparently their last, meeting, on the 15th. "At this Convention," says Calderwood, "the King reconciled the noblemen who were at variance, and upon the Lord's Day, the 14th of May, made a bankett unto them. The Lords satt at a long table by themselves. The King dranke to them thrise, willed them to mainteane concord and peace, and vowed to be a mortall enemie to him who first brake. Upon Moonday, the 15th of May, after supper, the King came from the Palace of Halyroodhous to the Castell of Edinburgh; from that to the Tolbuith, and relieved the prisoners warded for debt; from thence came to the Mercat Croce, where a long table was sett, furnished with bread, wyne, and sweetmeates. The Croce was covered with tapestrie, and upon it the trumpeters blowing and the musicians singing. The King, in presence of the multitude, dranke to the nobilitie, and everie lord dranke to another. The gibbets at the Croce were brokin doun with the fireballs and fire-speares; the glasses, with wyne, sweetmeates, were cast abrod in the streets, and from the fore staires. They went back to the palace in the same order as they came up, —the King with my Lord Hammilton on the right hand and the Secretar on the left; the Duke [of Lennox] and Lord Claud [Hamilton] in other's hands before the King; Angus and Montrose in hands, Huntly and Marshall, Crawfurd and the Master of Glames, likewise. In the meantyme the cannons of the Castell thundered." The Convention of Estates of May 1587 was to be memorable, it was hoped, by this reconciliation of feuds among the nobility, as well as by the condemnation of the Master of Gray. Practically, we may date from it the confirmation of that supremacy in the King's Council which had for sometime belonged, by right, if not in appearance, to the Secretary and Vice-Chancellor, Sir John Maitland of Thirlstane.

uthiris commissionaris with thame, yit, the tyme being swa schorte, and for certane uthir impedimentis, thay culd not at this present be assembled; and thairfoir, in respect of the necessitie of the present eirand, the saidis provest, baillies and counsall of the said burgh of Edinburgh hes takin upoun thame the furnissing and debursing of the said sowme of twa thousand punds, and ar compellit to wodsett ane parte of thair commoun gude thairfoir." Considering this, and also "being weill assured of the reddynes of the saidis provest, baillies and counsall to his service, and knawing for his effearis that thay have thirllit ane uthir parte of thair commoun gude, quhilk is yit unredemit," his Majesty, "being of mynd and will that thay sall reddilie be relevit of thair said debursing," ordains that the said sum now to be disbursed by the said magistrates shall be deducted from the first taxation laid upon the said Burghs, provided that the same extends to the foresaid sum, and, failing thereof, assigns to them so much of the taxation of the Clergy and Burghs as will make complete payment of the said sum of £2000. Acta 1585-87.

Edinburgh, 17th May. Caution for Thomas Anderson, burgess of Perth.

Caution by James Drummond of Cardnes for Thomas Andersoun, cordwainer, burgess of Perth, tutor of Johnne Andersoun, son of the late Johnne Andersoun, maltman, burgess of the said burgh, that Johnne Andersoun, David Pitscottie, Loncardie, his good-father, Johnne Pitscottie, son natural of the said David, and Williame Young, with their tenants and servants, shall be harmless of the said Thomas,—the said Thomas, and David Andersoun, burgess of the said burgh, his brother, relieving James Drummond in the premisses. Fol. 99, a.

Edinburgh, 18th May. Caution for Andrew Scott and others.

Caution in £100 by Hary Echline of Pitadro for Andro Scott in Inverkething and Williame Blaikburne there, that they will not harm Francis Douglas of Borg, or his tenants and servants.

Caution in £100 by George Halkatt of Pitfirrane for Johnne Broun, burgess of Inverkething, and David Biggum there, that Francis Douglas of Borg shall be harmless of them,—Mark Swyntoun, and Williame Blaikburne, burgess of Inverkething, becoming cautioners in relief of the said George.

Holyrood-house, 19th May.

Sederunt—PRESENTE REGE—Angus; Huntley; Craufurde; Bothuill; Marchaell; Mar; Vice-Cancellarius; Deir; Clericus Registri; Computorum Rotulator; Collector Generalis; Barnbarrauch; Murdocairny.

Mr Peter Blackburn and Mr William Leask, ministers of Aberdeen, interrogated

Masters Petir Blaikburne and Williame Lesk, ministers at Abirdene, appearing personally before the Council, conform to the charge given to them (see *ante*, p. 155), "it wes inquirit of the said Maister Petir for quhat caus refusit he to pray for the preservatioun of his Majesteis darrest moder upoun the Sabboth day nixt eftir his requisitioun, and to have

Acta 1585–87. gevin place to Adam, Bischop of Abirdene, to have occupyed the pulpett the same day in the foirnone, to the effect he mycht have maid the said prayer according to his Hienes directioun gevin to the same effect. It wes ansuerit be the said Mr Petir that he refusit nocht to mak the said prayare, bot onlie craved a delay to Wednisday nixt thaireftir, that it mycht have bene aggreit be commoun consent of the Prisbiteryis within the boundis of his commissioun quhat forme of prayare suld be usit; as indeid he prayed for hir preservatioun at all tymes thaireftir quhill sure knawlege had of hir death; like as he gave place to the said Bischop as wes desirit howsone he knew be inspectioun of his Majesteis letter his Hienes will in that behalff. And, it being alswa inquirit of the said Mr Williame Lesk quhairfoir he behavit himselff swa irreverentlie, in his sermone maid upoun the Twysday thaireftir, as in his applicatioun to utter this kynd of language to the auditour, 'that he had na warrand oute of the Scripture to pray as wes commandit, bot be the contrare to pray for the confusion and condampnatioun of sic personis as frome thair youth had bene brocht up in ydolatrie and superstitioun,' it wes answerit likewayes be the said Mr Williame that, he having his ordinare text oute of the Prophecey of Esay and in that parte SPAIR THAME YIT LORD, he wes forceit to apply according to the taxt, quhilk nochtwithstanding

as to their conduct in the matter of the prayers ordered for Queen Mary: Their answers found sufficient.

Fol. 99, b. . . . the wordes and prayer usit be Moyses for preservatioun of the Israelitis and uthiris Propheitis, to the same effect, using and behaving himselff in the meantyme with sic modestie and discretioun as wes requisite, without uttering of ony sic language, actioun, or gesture as wes reportit; nather spak nor meanit he ony wayes of his Majesteis moder, bot applyit in generall to the wicked according to the very wordis of the Propheit. Quhilk answer, with divers utheris the ressonis and allegationis of the said Mr Williame Lesk, interrogatouris gevin in be Maister Williame Leslie, ane of his Hienes Maister stabularis, his affirmatioun thairof, togidder with the depositionis of certane personis admittit to beir witnes in this matar, being hard and considerit be his Hienes and the saidis Lordis, and they ryplie avisit thairwith, the Kingis Majestie, with advise of the saidis Lords, findis that the auditouris of the said Maister Williames sermone maid at the tyme foirsaid wer movit to think and suppone that in his applicatioun, howbeit generall, he meanyit directlie the Quene his Majesteis darrest moder, and thairfoir, for his Hienes and thair bettir satisfactioun, ordanis him, in his nixt sermone to be maid in the said pulpett of Abirdene, to giff publict confessioun and declaratioun that be his formare applicatioun he meanyit nawayes of his Majesteis mother, howbeit it wes uthirwayes supponit, nather wes he of ony uthir opinioun bot that sho suld have bene prayit for in that forme as wes then aggreit [see *ante*, p. 140], and as he continewit to hir lyves end, wissing all personis to juge na uthirwayes of him nor of his doctrine maid at that tyme. And, to this effect, he, the said Maister Petir, and remanent personis summond to beir witnes in this matar, ar licencit to depairt hame to thair dwelling houssis at thair plesure, seing his Majestie is alswa sufficientlie

satisfeit uthirwayes in all uthir thingis that thay wer demandit of, sa that thair is na forder to be layed to thair charge." Acta 1585–87.

Action between the Bishop of Aberdeen and Mr George Hay and Mr Peter Blackburn.

The action pursued by David, Bishop of Abirdene, against Mr George Hay, parson of Rothven, and Mr Petir Blaikburne, minister at Abirdene, touching the annulling of the commission granted by the King and his Council to the said Mr George and Mr Petir for the visitation of the kirks within the diocese of Abirdene, is continued unto 30th June next.

No remission for the slaughter of Archibald McBrair, till his widow and children are assythed.

The late Archibald Newall, burgess of Drumfreis, "wes maist cruellie and unmercifullie murthourit and slane be Archibald M^c^kbrair of Ailmagill, Robert M^c^kbrair, his sone and appeirand air, Thomas Ker, and their compliceis, upoun the day of Aprile last bipast, immediatlie befoir his Majestie enterit in the toun of Drumfreis for ordour-taking with sic enormiteis as wes thair committit,—quhairthrow it manifestlie appeirit that the said Archibald and his complices foirsaidis tuke small regaird of his Majesteis purpois to resorte to the said burgh." Further, "the said slauchtar and murthour being than estemit swa odious, swa schamefullie committit upoun foirthocht felony and umbesetting of the said Archibald Newallis way, he being single him allane without ony kynd of armour," his Majesty "having commiseratioun and pitie of the estate of Eister Hill, the relict, and pure bairnis of the said umquhile Archibald," had promised on his princely word "that na respett nor remissioun be grantit nor gevin for the said cruell murthour quhill it wer sufficientlie verefeit that the relict and bairnis of the said umquhile Archibald wer satisfeit for the said slawchtar." His Majesty is nevertheless informed "that divers personis, in name and behaulff of the said Archibald M^c^kbrair and his compliceis, ar to sute remission for the abhominable cryme foirsaid, quhilk may be grantit unto him be tyme throw oblivioun, giff remeid be not providit;" and therefore the Treasurer, and the keepers of the Signet, Privy and Great Seals are discharged from passing or expeding any remission for the said crime without evidence that the said relict and bairns are satisfied and assythed.

Caution for David Cunyngham and others.

Caution by George Halkett of Pitfirrane for David Cunynghame in Prymrois and David Andirsoun there; for Thomas Danzeill in Heilfild, Mark Swyntoun of Wester Luscour becoming cautioner in relief; for Gawine Douglas in Rossyith and David Pacok in Scheiphird; and for Robert Flukhart in Inverkething, in £100 each:—that Francis Douglas of Borg, and his tenants and servants, shall be harmless of the said persons. Fol. 100, a.

Caution for several persons in Rossythe.

Caution to the same effect and under a like penalty by Robert Wauchop of Houstoun for Thomas Mitchell, Williame Mitchell, Thomas Douglas, Williame Douglas, and James Adesoun, all residing in Rossyith.

Caution for John Fairlie and others.

Caution in 400 merks by Williame Hammiltoun, merchant, burgess of Edinburgh, for Johnne Fairlie of Comestoun, and in a like sum by Johnne Elphingstoun of Selmes for Johnne Wauchop, bailie of Nudrie, and Abraham Wauchop in Leyth, that George Spens, servant of Mr Richard Spens, advocate, his wife, bairns, tenants and servants, shall be harmless of the said persons.

Acta 1585–87. Fol. 100, b.

Caution in £2000 by Sir George Ogilvy of Dunlugus for Williame Gordoun of Geyth, that Johnne Keyth, fiar of Troupe, brother of George, Earl of Huntley [? Marischal], and his tenants of the lands of Carnebanauch, shall be harmless of the said Williame. Edinburgh, 20th May. Caution for Gordon of Gight.

Caution in £1000 by Johnne Gordoun, son and apparent heir of Johnne Gordoun of Carneburrow, for the said Williame Gordoun, that he shall cause rebuild and repair the place and houses of Carnbannauch, lately demolished by certain persons at his command, in as good state as they were "befoir the douncasting of the same," at the sight of Johnne Gordoun of Pitlurg, George Gordoun of Kindrocht, Michaell Frasar of Stanywode, Johnne Frasar of Creiche, and Gilbert Hay of Park, or any three of them conjunctly, between this date and 20th June next.

Caution in 400 merks by Johnne Elphingstoun of Selme for Gawine Sandielandis of Lumfurde, that he will not harm George Spens, his wife, bairns, tenants, or servants. Caution for Sandilands of Lumfurd.

Caution in £40,000 by Robert Logane of Restalrig, James Colvill of Eister Wemys, Williame Scott of Abbotishall, and Robert Dury, fiar of that Ilk, for Patrik, Master of Gray, that, after being released from the tolbooth of Edinburgh, he will immediately repair to Brouchty, Foullis, or Huntley, and will remain there till he goes abroad; also, that within a month hereof, he "sall pas furth of this realm" to any place beyond sea, Ireland excepted, and will not return to this country without the King's express licence; also, that, before and after his departure, he shall do nothing "in hurte or prejudice of his Hienes, his estate, and present quietnes of this realme, or of the trew and christeane religioun presentlie professit within the same." Archibald, Earl of Angus, Francis, Earl Bothuill, and Alexander, Lord Hume, bind themselves to relieve the sureties in the premisses. Edinburgh, 23rd May. Caution for the Master of Gray, that he will leave the country within a month and comport himself loyally.

Sederunt—Angus; Huntley; Mar; Vice-Cancellarius; Episcopus Orcadensis; Paislay; Pluscardin; Blantyre; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Coldenknowis; Barnbarrauch; Murdocairny. Holyrood-house, 24th May.

Fol. 101, a.

Complaint of Patrik Fyldar, as follows:—The King having granted to the complainer, "for the gude service done to his Hienes," a yearly pension of 250 merks out of the superplus of the bishopric of Abirdene during his lifetime, and the complainer having obtained a decree before the Lords of Session, with letters in all the four forms, against David, Bishop of Abirdene, for payment of his said pension, ratified to him also by the Lords Auditors of Exchequer, and having consequently caused the said Bishop to be denounced rebel for not making payment to him thereof "of certane yeiris bigane," the said Bishop "hes of lait, without regaird to gude conscience, upoun sinister and wrang narratioun, privatlie, inordourlie, and surreptiouslie purchest letters of discharge of the saidis yeiris, and letters of Decree in favour of Patrick Fyldare against the Bishop of Aberdeen in the matter of a pension payable to the said Patrick.

relaxatioun of him fra all processis of horning quhatsumevir intentit or to be intentit aganis him for quhatsumevir caus or occasioun and be quhatsumevir persone or personis his creditouris, out of Counsall, and hes causit relax him fra the saidis processis of horning, without finding of cautioun or uthirwayes, and dischargeit all shereffs, provestis and baillies of burrowis of all warding of his persoun for ane certane space, quhairthrow the said Patrik sall gett na executioun of the said decreit and letters aganis him, bot be frustrat of all payment of his pensioun in the meantyme."—Parties being called, and the Bishop failing to appear, while the complainer appears personally, the Lords decern the foresaid letters of relaxation and discharge to be null, and ordain the complainer's decree and letters to be put to farther execution against the said Bishop in all points. Acta 1585–87.

Proclamation for convening a General Assembly.

The King, with advice of his Council, having resolved "that a generall Assembley of the ministerie sall begin at Edinburgh the xx day of Junii nixt to cum, to the effect that sic mataris as salbe treatit and consultit upoun, tending to the avancement of Godis trew relligioun and establissing of ecclesiasticall policey within this realme, may be reportit to his Majestie and his three Esteatis in his Parliament to be haldin in the moneth of Julii thaireftir, that the same mataris, being fundin allowable, may ressave approbatioun and confirmatioun in Parliament, and [be] sett furth and ordanit to be observit and kepit as lawis at all tymes thaireftir," officers of arms are therefore charged to proclaim the premisses at the market crosses of the head burghs, and "als to giff wairning to all and sindrie bischopis, commissionaris of kirkis, ministeris and uthiris quhatsumevir haveand interes," to attend the said General Assembly for giving "thair gude advise and furtherance in the premissis"; and in the meantime they are ordained to "giff in to his Majestie betuix and the xii day of the said moneth of Junii the names of all sic personis within every province and diocie that ar nominat and putt in lyte to treit, consult and vote in the said Generall Assembly."

Order for making good the two voluntary subsidies offered in aid of the King in his mother's behalf.

At the Convention of the Estates held in the month of December last his Majesty "declairit, to sic as convenit, the conditioun of the Quene his darrest moder at that tyme [*ante*, p. 129]; for quhais saulftie having directed ambassadouris, and used all uthir gude meanis to his Hienes possible, hir lyff nochtwithstanding being maist cruellie takin away, far contrare his expectatioun, his Majestie is now drevin to tak the gritare consideratioun of himselff and his haill realme, and, for his Hienes bettir preservatioun, repairing of his honnour and suretie of his estate, to mak large expenssis; quhairof his Majestie being putt in hoip to have bene relevit be the Erllis, Lordis, and utheris of the Spirituall Estate, quhilkis wer present at the said Conventioun, and his weil belovitt Mr Williame Leslie, ane of his Maister stabularis," being appointed collector of the sums promised by them, "quhairof payment being maid be sum, and the maist parte refusing, at the leist delaying, the delyverie of thair partis, his Majestie movit his necessitie of new, at the last Conventioun haldin in the moneth of Maii instant; at quhilk tyme promeis wes maid be the Fol. 101, b.

Acta 1585-87. haill noblemen, few or nane except, that thay suld satisfie his Majesteis desyre without forder delay. Yit, leist sum personis unlouked for sall schift, mak excuse or protract tyme heiranent, the Kingis Majestie, with advise of the Lordis of his Secreit Counsall, ordanis letters to be direct charging the erllis, lordis, bischoppis and uthiris mentionat in the roll made heirupoun, to mak payment, ilkane of thame respective for thair awne pairtis, of the sowmes promittit and appointit be thame to be payit, speciallie expressit in the same roll, to the said Mr Williame Leslie, appointit for ressait thairof, within dayis nixt eftir thay be chargeit thairto", under pain of rebellion. "Attour, seing the Barronis within Lowtheane hes laitlie willinglie offerit to supporte his Majestie with the sowme of ten thousand markis [see *ante*, p. 135], and that his Hienes doubtis not of the lyke reddines, promptitude, and gude will in all uthiris of thair rank and degree, in respect of the present necessitie, thairfoir to command and charge alswa George, Erll of Huntley, Lord Gordoun and Badyenauch, lieutennent in the North pairtis, to convocat and assemble the haill barronis and uthiris substantious gentilmen in the North, togidder or severalie as thay sall think gude, willing and desyring every ane of thame to agree to the payment of a voluntary subsidy, and to mak ane roll thairupoun: quhilk being maid be certane of the principallis and maist discreit barronis to be nominat to that effect, to command and charge thaireftir the personis particularlie contenit in the same roll to mak payment to the said Mr Williame Leslie, ilk ane of thame for thair awne pairtis respective, of the sowmes alswa specifeit within dayis nixt eftir thay be chargeit thairto, undir the pane of rebellioun and putting of thame to the horne."

Action of John Henderson against his brother, Robert Henderson.

Complaint of Johnne Hendirsoun, son and apparent heir of the late James Hendirsoun, rentaller of the nynt rig of Cornetoun, as follows:— "Robert Hendirsoun, his bruther, having of a lang tyme bigane bene desirous to attene, ather directlie or indirectlie, to the possessioun of the said complenaris landis abonewrittin, quhairto he succeidis as air to his said umquhile fader, the said Robert, sumtyme be himselff and uthir tymes be sindrie uthiris in his name, hes causit deall with the said complenare, to caus him renunce and discharge his rycht, kyndnes and possessioun of the saidis landis; and, finding the said complenare nawayes correspondent to his desyre, and that he could be na direct meane cum be his intent, he hes travellit, as the said Johnne is informeit, with sum of his Majesteis Courte, being in credite with his Hienes, and be thair moyane hes, maist previlie and surreptiouslie, by his Hienes knawlege, purchest ane letter, undir his Hienes subscriptioun and signett, direct to Johnne, Erll of Mar, shereff of Striviling and his deputtis." This letter charges them to apprehend the complainer, "and to putt him in sure firmance and captivitie, and to detene him thairintill ay and quhill he desist and ceis fra his landis abonewrittin or find sufficient cautioun to that effect." Now, this letter "is maist previlie and surreptiouslie purchest and inconsideratlie grantit, contrare the tennour of the Actis of Parliament and Secreit Counsall, without tryale or cognitioun tane in the caus, the same

nawayes proceding upoun ony decrete, sentence or letters of horning usit Acta 1585–87.
or execute aganis the said Johnne, bot maliciouslie and craftelie purchest be the said Robert be the moyane of sum being in credite with his Majestie, mair respecting thair awne prevey lucre and gayne nor his Hienes honnour, equitie and justice." Yet, by the power of the said letter "the said Robert intendis sua to dwang the said complenare that he salbe compellit to yeild."—Parties having been called, and Johnne Hendirsoun, Robert Hendirsoun, and the Earl of Mar, compearing personally, and the said Robert having produced a letter of date 16th February last alleged by the said Johnne to have been privately obtained, commanding the Earl of Mar, as bailie of the lordship of Striviling, to take trial and cognition as to which of the two brothers had the best right to the "middle thrid" of the said lands of Cornetoun, and, if he found that the said Robert had made Fol. 102, a.
good his claim, to defend him in the possession of the said lands "ay and quhill he had bene lauchfullie callit and ordourlie putt thairfra be the law," the Lords order the Earl of Mar to proceed strictly in terms of the letter. Both parties, however, are required to find caution in 500 merks, before leaving Edinburgh, that they will keep the peace to each other and to their servants.

Suit of the Provost and other inhabitants of Ayr against a letter of favour granted to persons concerned in the slaughter of two of the burgesses.

Complaint of Adam Stewart, late provost of the burgh of Air, master and good-brother, James Bannatyne, burgess thereof, father, of the late Robert Bannatyne, David Burne, skipper, and Bessie Cathcairt, relict of the late David Burne, burgess of the said burgh, and of the remanent kin and friends of the said late Robert Bannatyne and David Burne, as follows:—The said Robert Bannatyne and David Burne were, in August 1585, "maist cruellie and unmercifullie slane be Charlis Campbell, Johnne Campbell, Walter Jamesoun, Alexander Ros, James Ros, Hew Home, Hector Nicoll, Johnne Ingarsland, and James Steill, burgessis of the said burgh of Air, upoun sett purpois, provisioun and foirthocht felony; quhairupoun the saidis complenaris rased letters, and thairwith causit charge the personis foirsaidis to find souirtie that thay sould compeir befoir oure Justice and his deputis and undirly the lawis for the slauchtar foirsaid: quha, for thair dissobedience of the command of the saidis letters, wer ordourlie denunceit rebellis and putt to the horne." Nevertheless, "sen the using of the said horning, the personis foirsaidis hes, be thair inoportune sute maid to his Majestie, and be the moyane of sum personis being in credite with his Hienes for the tyme, purchest ane letter of respett to thame for the space of yeiris nixt eftir the date thairof to indure, mynding be vertew thairof to stay the ordinare course of proceding of his Hienes laws aganis thame." Now, this letter "is maist sinisterlie and surreptiouslie purchest, contrare the tennour of the Actis of Parliament and Secreit Counsall, proporting that na sik letters of respett nor remissioun suld be grantit without assythment and satisfactioun of pairty," for "it is of veritie that thair wes na assythment nor satisfactioun maid for the slauchtar foirsaid."—Parties being called, and the said James Bannatyne appearing for himself and the other pursuers, and Mr James

Acta 1585-87. Elphingstoun as procurator for the defenders,—"quha renunceit and past fra the said respett and benefite thairof," delivering the same for the better satisfaction of the pursuers to Sir Lues Bellenden of Auchnoull, justice-clerk, "to be revin, cancellit and distroyit," and promising at the same time to make assythement for the said slaughter "as personis maist sorrowfull and penitent for the same, to thair utter poueris,"—the Lords of Fol. 102, b. Privy Council, accordingly, declare the said respite to be null in all time coming, and ordain the letters of caption and commission passed thereupon to be put to further execution in all points, conform to the tenor thereof.

To denounce Fergus Fergusson for not appearing to answer a charge of cutting trees in Methven wood, the property of the Duke of Lennox.

Complaint by Ludovick, Duke of Lennox, possessor of the lands of Methven, disponed to him by the King, and by Walter, Prior of Blantyre, his tutor, for his interest, as follows:—Notwithstanding his Majesty's letters forbidding the inhabitants of the lordship of Methven and all other lieges "to cutt, hew doun, leid away, or peill the bark of the grenewode and growand treis of the wode of Methven in tyme cuming," and the proclamation of the said letter upon 21st May last at the market cross of Perth, yet Fergus Fergussone, forester of the wood of Methven, James Glook in Over Pitcairne, James Cunynghame in Middilhauch of Ruthven, George Ruthven in Ragilmye, Williame Strang in Bamblair, Thomas Gent in the Brig of Amond, James Robertsoun there, Johnno Murdo there, Andro Clink in Blak Ruthven, Thomas M°clarane in the Hoill, Alexander Gairdnar in the Eist Hauch of Ruthven, James Hutoun in Burne Grange, and David Gottray in the mylne of Pitcairne, "hes, daylie and continewallie sen the said publicatioun, cuttit, hewin doun, led away, and peillit the bark of the grene woid and growand treis of the said wode of Methven, like as thay yit do."—The said Fergus Fergussone having been charged and called to answer the complaint abovewritten, under pain of rebellion, but not appearing, while the complainer appears by his tutor, the Lords ordain Fergus to be denounced rebel.

Archibald Campbell, brother of Campbell of Glenorchy, against Lady Strathurd, in the matter of a commission of justiciary obtained by her.

Complaint of Archibald Campbell, brother of Duncane Campbell of Glenurquhy, as follows:—The complainer, his said brother, and certain others, having lately been called to answer to a complaint of Jeane Ruthven, Lady Strathurde, for the alleged "hocheing" of her cattle, the said Duncane had compeared and denied that the complainer was guilty, art or part, of the said crime, and also had become cautioner that the complainer should underlie the law when required for the alleged crime (*ante*, p. 148). "Nevirtheles, sen the finding of the said cawtioun, the said Jeane Ruthven hes maist privalie and extraordinarlie purchest ane commissioun of his Hienes, direct to Alexander Ruthven of Freland and Williame Hering, hir awne servand and dependar, contening a blank to insert sic uthiris personis thairin as scho pleis, gevand pouer to thame to mak convocatioun of his Hienes liegis for persute and invasioun of sic personis as scho pleis alswa to insert in the said commissioun, contening likwayes a blank to that effect, and to rais fyre and use all kynd of force and weirlike ingynes that can be usit or execute upoun rebellis, fugitives

and dissobedient subjectis. In the quhilk commissioun, as the said complenare is informed, the said Jeane hes causit insert his name sen the passing thairof, mynding undir cullour thairof to use all kynd of crueltie upoun him and uthiris his freindis, his Majesteis peceable and free subjectis, aganis quhome sho hes ony particular quarrell or grudge, and thairby to use all indirect meanis to bereve thame of thair lyveis." This commission having been "maist surreptitiouslie and previlie purchest and inconsideratlie grantit" against the tenor of the Acts of Parliament, and the complainer having given caution as aforesaid, the prayer is that the commission be declared null.—Parties having been called upon 21st April last, and the said Archibald having appeared by Gawine Hammiltoun, his procurator, and Williame Hering having appeared for himself and in name of Jeane Ruthven and Alexander Ruthven, —and the said procurator having "consentit to the deleting of the said Archibald Campbell furth of the said commissioun, becaus souirtie wes fundin that he suld be answerable to the lawis, like as he [the procurator] wes content to pas fra the persute of the remanent personis specifeit in the said commissioun, provyding that the like souirtie wer fundin be thame, swa that alwayes the said Jeane Ruthven, hir tennentis and servandis, mycht be harmeles and skaithles of thame heireftir, bot as law wald," and this arrangement having been "thocht verie ressonable,"—the Lords had "ordanit the said Gawine to returne a resolute answer frome the said Duncane Campbell of Glenurquhy upoun the tent day of Maii instant, unto the quhilk day the said matar wes continewit in the samin forme, force and effect as it wes than, but prejudice of pairty, for how mony of the personis specifeit in the said commissioun, quhais names wer gevin to him in bill, the said Duncane wald answer and find souirtie that thay suld be answerable to the lawis, as alswa for the non-persute of the said Jeane Ruthven, hir tennentis and servandis, uthirwayes nor be ordour of law and justice." And now, the said Duncane, or Gawine, his procurator, not having appeared upon the said 10th May nor since, and no answer having been returned touching the premisses, the Lords ordain a new commission to be given and passed to the sheriffs of the sheriffdoms of Invernes, Abirdene, Banff, Elgin, Forfar, Perth, stewards of the stewartries of Stratharne and Menteith, and the provosts and bailies of burghs within the said bounds, for apprehending the said persons for whom the said Duncane has not answered, and presenting them before the justice, "to be punist for thair demeritis, conforme to the lawis of this realme."

Acta 1585–87

Fol. 103, a.

To denounce John Boswell at the instance of the town of Kinghorn.

Johnne Boiswall, son of Williame Boswall, portioner of Pityouchar, having failed to appear this day "to have answerit to sic thingis as the baillies, counsall and communitie of the toun of Kinghorne had to lay to his charge," is to be denounced rebel.

Archibald Turnbull against Sinclair of Her-

Complaint of Archibald Turnbull in Howa, as follows:—In January last, Archibald, Earl of Angus, lieutenant of the Middle March, by the King's warrant, apprehended the complainer and delivered him to Williame Sinclare

Acta 1585-87. of Hirdmestoun "as a favourare, assistar or resettare of Gawine Turnbull, his sone, or arte and pairttakar with him and his compliceis in the awaytaking of certane scheip fra the said Schir Williame Sinclare; quha hes evir sensyne keipit and detenit the said complenare in sure firmance and captivitie, and on nawayes will latt him to libertie and fredome without he wald tak upoun him the satisfactioun to the said Williame of his said scheip, as giff he wer the awaytakar of thame: albeit it be of veritie that the said complenare is innocent of that deid, and hes evir offerrit himself reddy to undirly the lawis thairfoir, and for all uthir crymes may be laid to his charge."—Parties having been called, and Sir Thomas Turnbull of Bedroull appearing in name of the said Archibald, and the said Williame Sinclare being also present,—"quha allegeit that the said Archibald could nocht purge himselff of the taking away of the saids guids, at the leist of the ressait of his said sone, quha had takin the cryme upoun him, becaus it is of veritie that sensyne, and cheiflie sen the tyme he wes delyverit to the said Williame, a part of the same guids being offerrit to have bene delyverit in the said Archibaldis name to the said Williame, he than refusit to ressave the same without deliverie had bene maid of the full nowmer that wer takin fra him,"—and this statement having been confirmed by Francis, Earl Bothuill, the Lords ordain the said Williame Sinclare "to retene still the said Archibald Turnbull in strait firmance and captivitie, ay and quhill deliverie or satisfactioun be maid to him for the saids guidis as appertenis."

miston, for detaining him prisoner on a charge of having been art and part with his son, Gavin Turnbull, in stealing some sheep.

Fol. 103, b. Margaret Erskin, Lady Pitcairne, appears before the Privy Council and gives in a copy of the letters raised by George, Earl Marschaell, charging her to produce before the said Lords the letters raised by her against the said Earl, commanding him to poind, apprise and distrain so much of the goods and corns belonging to Johnne Allirdes of that Ilk as would satisfy her "for the dewiteis of hir leving of the croppis and yeiris of God $j^{m}v^{c}$lxxxiii and lxxxv yeiris," in order that the said letters raised at her instance might be suspended *simpliciter*. Parties having been called upon 19th May inst., and the said Earl and said Lady having appeared personally, "the said matar wes than continewit to this day, in hoip that, be the mediatioun of sum freindis quhilkis ather of thame wer willit to nominat, aggreement sould have followit amangis thame." Of which "thair being na appeirance, as sho this day declairit," and the said Earl "being now oftymes callit and he nocht comperand," she protests that she should not be obliged to answer farther to the said letters till she be again charged to appear. —Her protestation is admitted, and the letters obtained by her against the Earl are to be put "to full and dew executioun in all pointis, conforme to the tennour thairof, without langer delay."

Protest by Lady Pitcairn in the matter of an action between her and Earl Marischal.

Resumption of "the actioun and caus persewit befoir the Kingis Majestie and Lordis of Secreit Counsall be Robert Forrestair of Boquhane, provest, Johnne Forrestair, Williame Wallace, and James Castellaw, baillies of the burgh of Striviling, aganis Johnne Halden of Glennegeis, David Halden, his broder, and Elizabeth Lundy, tuicheing the productioun and suspen-

Continued case of the provost and bailies of Stirling and the Highland culprit:

Charge for his entry on 9th June.

sioun of decreit and letters rased at thair instance aganis the saidis provest and baillies, for the entree of Walter Dow M^c^kilreoch within the tolbuith of Edinburgh at ane certane day bipast, for certane ressonis and caussis specifeit in the letters thairupoun" (*ante*, p. 159).—Parties being called, and the said Robert Forrestair appearing for himself and in name of the said bailies, and the said David Halden for himself and in name of Johnne Halden and Elizabeth Lundy, the Lords continue the matter to the 9th of June next, and in the meantime ordain Mungo Grahame of Ratharnis, cautioner for the entry of the said Walter, and Schaw of , his master and landlord, who is bound for him by the general band, to present the said Walter before the Council upon the said 9th of June next. Acta 1585–87.

Edinburgh, 25th May. Band for Campbell of Glenorchy.

The following band, executed at Balloch upon 20th April 1587 before these witnesses — Gawine Hammiltoun, Johnne Hendirsoun, Archibald Campbell of Murthlie, and Thomas Broun—is presented for registration by Mr Olipheir Colt, advocate, as procurator for Duncane Campbell of Glenurquhy :—Johnne Campbell of Lawers having become surety in 2000 merks for the said Duncane, and in 1000 merks for Archibald Campbell, the said Duncan's brother, that Hary, Abraham and Mr David Creichtonis, and Williame Hering of Callie, their tenants and servants, should be harmless of the said Duncane and Archibald, the said Laird of Glenurquhy becomes bound to relieve the said Johnne Campbell of this obligation.

Edinburgh, 27th May.[1] Ordinance anent the office of Treasury, with new precautions against dispositions out of the royal revenues.

"The Kingis Majestie, undirstanding the excessive burdingis and extraordinare chargeis lyand upoun the office of his Hienes thesaurarie, quhilkis daylie incressis be the inoportune sutis of sindrie personis, preferring thair awne commoditie to the weill of his Hienes or commounweill of this realme, and his Hienes willing that the abuse and disordour bipast in this behalff salbe remedit in tyme cuming, and that his Hienes casualiteis salbe takin up or disponit heireftir as may be maist for his Hienes weill and commoditie, hes thairfoir expreslie commandit his Majesteis thesaurare and his depute, that thai on nawayes pas nor expeid ony maner of giftis or dispositionis of quhatsumevir his Hienes casualiteis in tyme cuming, nochtwithstanding that the signaturis sal happin to be subscryvit gratis be his Majestie at the inoportune sutis of pairteis, bot to mak his Majesteis best commoditie thairof, as thay will answer to his Hienes upoun the dewitie of thair office, at thair uttermest charge and perrell. Attour, his Majestie ordanis and commandis the keparis of quhatsumevir registeris and seillis, that thay nor Fol. 104, a.

[1] "Upon the 27th of May the King tooke journey to Falkland. The Maister of Gray was brought out of the Castell of Edinburgh the same day to the Tolbuith, and in presence of the Lords of Sessioun found caution to passe furth of the countrie, and to remaine furth during the King's will, under the paine of £40,000 (see *ante*, p. 173). He went over to Dumfermline to prepare himself, and departed out of the countrie the 7th of June. Upon the 16th of June the causes of his banishment were published at the Mercat Croce of Edinburgh" (Calderwood, iv. 614).

Acta 1585–87. nane of thame expeid or pas ony signaturis, giftis, dispositionis, or uthir letters quhatsumevir, of the casualiteis belanging to the said office of thesaurarie, or of feis, pensionis, wageis or uthir sowmes quhatsumevir to be payit oute of the proffittis thairof, except the same be subscryvit be his Majesties thesaurair and his said depute, as thai and every ane of thame will answer upoun thair obedience at thair heichast dangeare. Certefeing alswa the purchessaris of sic signaturis and letters that, albeit the same sal happin to be past and exped throw the saids registeris and seillis, wantand the subscriptioun of the said Thesaurair and his depute, the same and all that may follow thairupoun salbe of nane availl, force nor effect. And, that the premissis may tak the bettir effect and executioun, his Majestie hes revokit and dischargeit, and be the tennour of this present act revokis and dischargeis, all takkis, giftis, dispositionis, preceptis and uthiris securiteis quhatsumevir, maid be his Hienes in ony tyme bigane, of the proffittis of his Hienes mynes and minerallis, cunyiehous, or uthiris casualities belangand to the said office, or licenceis grantit to transporte the mettallis win in the saidis mynes and minerallis furth of this realme, without the same be grantit with avise of the said Thesaurair or his depute and subscryvit be thame; and ordanis letters to be direct to answer and obey thame of the same, or yeirlie dewitie awand thairfoir, off all yeiris and termes restand unpayit, and siclike in tyme cuming, within ten dayis eftir the charge, undir the pane of rebellioun, etc., and giff thay failyie, etc., to denunce, etc."

Caution for James Bellenden.

Caution by James Lawsoun of Humbie for James Bellenden, brother of Sir Lues Bellenden of Auchoule, that George Spens, his tenants and servants, shall be harmless of the said James.

Caution for John Maxwell of Conheath.

Caution in 2000 merks by Alexander Kirkpatrik of Kirkmichaell for Johnne Maxwall of Conhaith, that he shall in future do nothing "to the prejudice of the trew and christeane relligioun presentlie professit and authorisit within this realme, nor to the alteratioun of the present state and quietnes within the same," and that he shall re-enter before the Privy Council when charged anew to that effect.

Edinburgh, 29th May. Caution for Robert Henderson.

Caution in 500 merks by Mr Johnne Provand, burgess of Edinburgh, for Robert Hendirsoun in Cornetoun, that he will not harm Johnne Hendirsoun, his brother, or his servants,—Williame Murray, "ane of the vallettis of the Kingis Majesteis chalmer," and Johnne Murray, burgess of Edinburgh, becoming cautioners in relief.

Fol. 101, b. Band for Sir Robert, Edward, and John Maxwell.

Band, executed at Drumfreis, 22nd May 1587, before Robert Maxwell of Castelmylk, Johnne Maxwall of Kirkconnell, Johnne M^{c}gie, notary, Johnne M^{c}knaucht of Kilquhonnechy, is registered at the instance of Sir Robert Maxwall of Dynwiddie and Edward Maxwall of the Hillis, for themselves and as procurators for their cautioner:—It contains caution by Williame, Lord Hereis, in £5000 for the said Sir Robert, and in 2000 merks each for the said Edward and Johnne Maxwall of Conhaith, that they shall do nothing "to the prejudice of the trew and christeane religioun presentlie

authorizit and professit within this realme, nor of the present quiet estate within the same, in ony tyme heireftir," and that they shall re-enter before the Privy Council when charged to that effect. Acta 1585–87.

Edinburgh, 31st May.[1]

Sederunt—Angus; Huntley; Vice-Cancellarius; Pluscarden; Clericus Registri; Clericus Justiciarie; Coldenknowis; Lynclouden, Collector; Joannes Seytoun.

William Hudson denounced for not answering a charge of having broken into the chamber of the King's "panniter" at Stirling, and abstracted plate and other articles.

Complaint of James Galbraith, his Majesty's "panniter," as follows:—Upon 2nd November 1585, Williame Hudsoun, "being within the burgh of Striviling the tyme of the lait trouble quhilk happynnit thair," had "maisterfullie and perforce" broken up the chamber of the said James within the said burgh, "and reft and awaytuke furth of the same ane silver pece, foure silver spunis, ane silver belt of the auld fassioun, ane dusane of English vescheall, ane dusane of trunshouris, ane basine, ane lawar and twa hunting hornis, pertening to the said complenare, and being within the said chalmer. And, albeit he hes oft and divers tymes requirit the said Williame to mak restitutioun and delyverie to him of his guidis and geir reft fra him in the maner foirsaid, nevirtheles he wranguslie refuissis to do the same, allegeing that he wes in cumpany with the personis quhilkis come in at the said burgh standing undir his Majesteis displesure for the tyme, thinking thairby to cleith himselff with the Act of Abolitioun maid in thair favouris, and swa to tak away the said complenaris just persute aganis him; albeit it be of veritie that the said Williame come not in cumpany of the personis abonewrittin to the said burgh, bot come thairto conforme to his Majesteis proclamatioun direct thairanent, and wes attending thair lang befoir the cuming of the saidis personis, and thairfoir aucht nocht to enjoy the benefite of the said Act."—The complainer appearing personally, but the defendant not appearing, the Lords ordain the defendant to be denounced rebel.

Caution for Cunningham of Drumquhassil.[2]

Caution in 5000 merks by Alexander, Master of Elphingstoun, for Johnne Cunynghame of Drumquhassill, that, on being released from the tolbooth of Edinburgh, he shall enter in ward in the castle of Edinburgh within four days thereafter.

Caution for Boswell of Balmuto that certain persons, all apparently in Fife, shall be harmless of him.

Caution by Robert Lundy of Balgony for Johnne Boswall of Balmuto, that the following persons, their wives, children, tenants and servants, shall be harmless of him in their bodies, lands and goods, under a penalty of £2000 for the person first named, and 500 merks for each of the others, viz., Johnne Kirkaldy and Petir Sandielandis, bailies of Kinghorne, Robert Cunynghame, Johnne Irwing, Johnne Cunynghame, Williame Gray,

[1] "Barnbarroch went abroad in ambassadge for Denmark the 31st of May. Sir William Stewart his ambassadge to France was stayed" (Calderwood, iv. 615).

[2] This is the eldest son and heir of the John Cunningham of Drumquhassil who had been such an active man in years past and who had been executed in Feb. 1584–5 on a charge of treason. (See vol. iii. p. 723, footnote, with previous mentions of him in vols. ii. and iii. by the Indexes.) There are also mentions of his sons, including the present John, in vol. iii.

Acta 1585-87. Robert Brusoun, Patrik Willimat, Johnne Robertsoun, Williame Cuke, James Sandelandis, James Hay, Johnne Gray, Johnne Allane, Williame Moreis, Thomas Smyth, Patrik Thomesoun, Andro Kilgour, James Thomesoun, Robert Thomesoun, Johnne Maline, Henry Davidsoun, Williame Wallinche, Williame Nevin, Williame Gourla, George Cuke, Johnne Moyses, Henry Duncane, David Smyth, James Mayne, Johnne Cunynghame, elder, David M^cGibbun, Johnne Porteous, Charlis Spens, . Gay, Thomas Gay, Williame Andirsoun, Archibald Murray, Robert Young, Alexander C . , Johnne Williamesoun, Williame Cunynghame, David Spens, Williame Forsyth, Rob . Johnnstoun, Williame Porteous, James Cunynghame, Robert Robertsoun, Robert Mel . , Archibald Hendirsoun, Daniel Wallace, James Williemett Johnne Reid, James M^cclellane . Kay, Gilbert Dryasdale, James Young, Thomas Broun, Thomas M^cclellane, James . Johnne Lokhart, David Heich, Nicholl Cant, James Man, Thomas Davidsoun, . Huke, Alexander Myllar, Thomas Vauch, Johnne
Fol. 105, a. Grenehill, David Ewsoun, . . Williame Irwing, David Hill, David Dun, Williame Heich, Gilbert Robesoun, Johnne Myllar, Johnne Gourla, Johnne Thomesoun, Henry Andirsoun, Henry Brok, Richie Browstar, Archibald Gourla, Williame Flukhart, Thomas Mudy, Johnne Napar, Williame Hammiltoun, Johnne Moyis, Robert Bell, Robert Fergus, Williame Symsoun, Nichol Angus, Johnne Heich, Gawine Dryisdale, Williame Robesoun, Andro Walker, Johnne Robertsoun, Thomas Coilyear, Johnne Walkar, Henry Caup, David Lamb, Patrik Symsoun, Symon Dunbar, Williame . Williamesoun, David Bennett, Thomas Wilsoun, Williame Kirkaldy, Thomas Forsyith, Johnne Kay.—Deleted by a warrant subscribed by the King and his Chancellor at Haliruidhous, 22nd July 1588.

Caution in 500 merks by Johnne Wallace of Cragy for Williame Wallace, that he shall answer before the Privy Council, upon 24th instant, to a complaint of Thomas Tait of Adamhill. Edinburgh, 1st June. Caution for William Wallace.

Sederunt—Vice-Cancellarius; Orknay; Pluscardin; Clericus Registri; Murdocairny. Edinburgh, 2nd June.

Walter Scott of Branxholme, Andro Ker of Fairnyhirst, Williame Douglas of Cavers, sheriff of Teviotdaill, Robert Ellott of Reidheuch, Sir Thomas Turnbull of Bedroule, Richard Ruthirfurde of Edzarstoun, Robert Frasar of Ovirtoun, and Johnne Ruthirfurde of Hunthill, are charged to compear before the Privy Council upon the 9th of June inst., to answer "tuicheing gude reule and quietnes to be observit on the Bordouris heireftir, undir the pane of tressoun"; and, to the effect the said Johnne Ruthirfurde of Hunthill may the more safely obey this charge, the letters of horning and caption raised against him are dispensed with, and it is provided that "in his cuming, remaning and depairting" he shall not be warded or troubled, by virtue of the said letters or otherwise, during the said space. Charge to certain Borderers.

Edinburgh, 3rd June.

Caution for Gordon of Enrick and his sons.

Caution by Gothray M°Culloch of Ardwell in £1000 for James Gordoun of Enrik, and in 1000 merks each for Johnne, Thomas and Alexander Gordonis, his sons, that they will not harm Gilbert Mure of Auchingassill, his tenants or servants. Acta 1585–87.

Cautions for M°Lellan of Dunrod and others.

Caution to the same effect by Johnne Maxwall of Kirkconnell in £1000 for Thomas M°clellane of Dunrod (Miltoun); by George Gordoun, son of Johnne Gordoun of Barskeyoch, for Alexander M°Clellane, burgess of Kirkcudbrycht, and Johnne M°clellane, called the Page, his brother, in 1000 merks "ather of thame"; and by Johnne Kennedy of Blaquhan in £2000 for Thomas M°Clellane of Bombie, and in 2000 merks for Thomas M°Clellane of Nontoun. Fol. 105, b.

Edinburgh, 6th June.

Sederunt—Vice-Cancellarius; Hereis; Paislay; Pluscarden; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Linclowden, Collector; Magister Jacobus Haliburtoun.

Herbert Paterson and three others denounced for not answering a charge of violence against Allan Mure.

Complaint by Allane Mure, son of George Mure of Halmyre, as follows:—"He is heritablie infeft in all and haill the halff of the toun and landis of Quhytepark, quhilkis ar his Majesteis propir lands, lyand within the stewartrie of Kirkcudbrycht, and, according to his infeftment thairof, he maid warning and obtenit ane decrete of removing aganis James Murray, Gilbert Mure, Johnne Smyth, James Murray of Arnealmery, Johnne Maxwell of Buttilmanis, Johnne Broun of Mollanes, Williame Grahame in Chapmantoun, James Murray in Blakpark, James Murray, his sone, and Harbert Patersoun in Quhytepark." These persons, however, "convenit thameselffis togidder and drew unto thame ane grite nowmer of personis, to the nowmer of ane hundreth and ma, for the maist parte all rebellis, thevis and malefactouris, nather regarding God, his Majestie, his authoritie nor lawis," and came armed to the said lands upon 9th March last, "and thair violentlie and perforce brak up the durris thairof, enterit thairintill, sercheit and socht the said complenaris persoun to have slane him, and, he be the provisioun of God being absent, thay spuilyeit and awaytuke his haill guidis, geir, insycht, plennessing, evidentis and writtis, being thairintill, and thaireftir maist cruellie rased fyre, brynt and distroyed the rest of his plennesing quhilk wes not easie to be caryed away, and dang, hurte and woundit his servands to the effusioun of thair blude in grite quantitie, committand thairby manifest oppressioun upoun the said complenare, to the hie and proude contempt of his Majestie." Further, "thay dalie invade, trouble and persew him, his tennentis and servandis, swa that he may not peceablie brouke nor jois his awne heritage without dangear of his lyff, gevand thairby evill example to utheiris to do the like, as giff thair wer na law nor justice within the realme."—Harbert Patersoun, Johnne Maxwall of Buttilmanis, James Murray of Arnealmery and Gilbert Mure, having been summoned to answer, and not appearing, while the complainer appears personally, the Lords order the said absentees to be denounced rebels.

Acta 1585-87.
Fol. 106, a.

[A Convention of Estates.][1]

His Majesty's promise and ordinance, at the desire of the assembled Nobles and Estates, that, for better economy and management of his Treasury, there shall be a temporary stoppage of all grants out of his casualties gratis.

His Majesty, "now approcheing his lauchfull and perfyte age of xxi yeiris," and having "convenit his Nobilitie and Esteatis for consideratioun of his effearis requisite to be deliberat upoun, alsweill for reformatioun of disordouris and abuses bipast as for keping thingis now to be reformed in gude ordour in tyme cuming," finds his office of treasury "very far superexpendit; upoun quhilk office the burding of a grite parte of the chargeis ordinare and extraordinare of the estate aucht and mon be sustenit; quhilk possiblie the same can not beir giff the casualiteis belanging thairto sall not be used heireftir to his Hienes best commoditie, and himself first servit, and sum gude parte of his debtis thairby payit, befoir he extend his liberalitie to uthiris,—quhilk the saidis Nobilitie and Esteatis thinkis maist necessar and expedient. And thairfoir his Majestie, with expres avise and consent, and at thair eirnist desire, is content, and in the worde of a Prince promissis, to stay his handis frome granting or disponing of ony of his saidis casualiteis gratis, or to nominat ony personis as donatouris thairto, for the space of nixt to cum, bot remittis alsweill the nominatioun of the persoun as the making of the compositioun to his Hienes Thesaurare and his depute, that his Hienes commoditie may be maid thairof to the best availl, as thai will answer to his Majestie thairupoun. And, for that effect, ordanis and commandis thame to tary unconcluded the compositioun of ony casualitie that sal happin to be suted for the space of dayis, to the effect that sic as will bid maist for it may be preferrit. And the Noblemen and Esteatis faithfullie promissis that thai sall nawayes preis nor urge his Majestie to alter or infringe this his promeis for quhatsumevir occasioun during the space foirsaid."

Renewal of the order for payment by the Nobles and Prelates of their voluntary subsidy in December 1586 for the aid of his Majesty in his mother's behalf.

Repetition, *totidem verbis*, of the first part of the preceding order of Council of May 24 (*ante*, p. 174), as far as to the words "protract tyme heiranent" in that order, with the exception that, for Mr Williame Leslie, one of the master stablers, who appears in that order as the appointed collector of the voluntary subsidy of the Nobles and Prelates, there is now substituted, in the same capacity, "his weilbelovitt Archibald Carmichael, cornett of his Majesteis Gaird." The earls, lords, bishops, abbots, and "utheris mentionat in the roll maid heirupoun," are now charged to make payment of the sums they had respectively promised, and that are "expressit in the same roll," to this Archibald Carmichaell within days after being charged, just as before, "undir the pane of rebel-

[1] That this was a Convention of Estates of some sort appears from the wording of the entries immediately following, though the Sederunt registered for the day would not intimate the fact, and though there is no distinct note of such a convention in Spotswood or Calderwood. Spotswood's language, however, rather implies that there *was* something in the nature of a convention at this date. "The King being now 21 years compleat," he says, anticipating the coming birthday, June 19, "a Parliament was indicted to be holden at Edinburgh the 29th of July; for a preparation thereto, and that the King might find the better assistance, the noblemen were sent for, they especially betwixt whom there were known to be any quarrels" (p. 364).

lioun and putting of thame to the horne, and, gif thay or ony of thame failyie thairin, the said space being bipast, to denunce, etc., and to escheit, etc." Acta 1585–87.

Edinburgh, 7th June.

Sederunt—Huntley; Craufurde; Vice-Cancellarius; Episcopus Orcadensis; Coldenknowis; Computorum Rotulator; Murdocarny; Collector Generalis; Magister Jacobus Haliburtoun.

Reference to the success of his Majesty's recent exertions for stopping feuds among his nobility; with order to Lord Hay of Yester, warded in Edinburgh Castle for refusing to make up his feud with Stewart of Traquair, to recommit himself to that Castle, from which he had just escaped.

"Forsamekle as it is nocht unknawne to our Soverane Lordis gude subjectis quhat panefull travellis his Majestie tuke of lait for uniting of his nobilitie quhilkis wer at variance with utheris, and quhat gude effect followit, alsweill to his Majesteis honnour and quieting of his estate as to the ease and commoditie of the same nobilitie and all esteatis of personis within this realme [see *ante*, p. 169, footnote]. And amangis utheris his Majestie being desyrous to have sum contraversie and variance standing betuix Williame, Lord Hay of Yester, on the ane part, and Johnne Stewart of Tracquair and certane of ather of thair freindis on the uthir part, removit and takin away, and for the same effect the said Williame, Lord Hay of Yester being desirit be his Hienes to have subscryvit ane submissioun to his Majestie and the Lordis of his Prevey Counsall, as wes aggreit unto be the uther his pairty, at last for his dissobedience he wes committit to warde within the Castell of Edinburgh, quhairin having remanit a certane space weill and favourablie intertenyed, he nochtwithstanding, without ony caus or occasioun ministrat be the quhilk he mycht ony wayes have bene moved to have feared harme to have bene done to him in his persone, landis or heritage, eschaiped and past furth of the said castell in the nycht in maist prevey maner, off intentioun as appeiris to move trouble and to brek his Hienes peace, to the disquieting of the present estate of the cuntrey, and bringing on of sindrie inconvenientis, in hie and proude contemptioun of his Majestie, his authoritie and lawis, and to the evill example of utheris evill disposit personis to do the lyke gif tymous remeid be nocht providit; and thairfoir his Majestie, with avise of Fol. 106, b. the saidis Lordis, ordanis letters to be direct to officiaris of armes, shereffis in that parte, chargeing thame to pas, command and charge the said Williame, Lord Hay of Yester, to re-entir his persone agane in warde within the said castell, thairin to remane upoun his awne expenssis ay and quhill his Hienes tak forder ordour with him and that he be fred be his Majestie, within xlviii houris nixt eftir he be chargeit thairto, undir the pane of tressoun."[1]

[1] Spotswood, who notes the warding of Lord Hay of Yester at this date, connecting it with that Convention of Nobles round the King from which the present order and the two preceding seem to have emanated (*ante*, p. 185, footnote), makes this Convention of June 1587 the occasion of those exertions of the King for the reconciliation of his Nobles, his royal feasting of them in Holyrood, his marching of them in procession two and two to the market cross, and their mutual health-drinkings there, which Calderwood refers to the preceding Convention of May 1587 (see *ante*, p. 169, footnote). As the wording of the present order shows, Calderwood is right in the matter and Spotswood wrong, unless we

Acta 1585-87. Caution by Hary Echline of Pitadro for Francis Douglas of Borg in 1000 merks, and for Andro Douglas, Johnne Philp, Thomas Sandis, Thomas Dougall, and Bessy Johnnstoun, tenants and servants of the said Francis, in £100 each, that they will not harm the bailies, council, and community of Innerkething, or their tenants and servants. Edinburgh, 8th June. Caution for Douglas of Borg and others.

Sederunt—Huntley; Craufurde; Hereis; Vice-Cancellarius; Episcopus Orcadensis; Paisley; Pluscarden; Neubottle; Coldenknowis; Clericus Registri; Computorum Rotulator; Murdocairny; Lynclowden, Collector. Edinburgh, 9th June.

Complaint of Mr Johnne Dempstar, advocate, James Tarbett, writer, servant of Johnne Young, ordinary writer to the treasurer and comptroller, James Inglis, his Majesty's tailor, James Sandielands, James Dalgleishe, Hary Burrell, and Andro Auchmutie, burgesses of Edinburgh, as follows: —The late James Dempstar of Auchtirles, father of Thomas Dempstar, now of Auchtirles, his heir and also executor nominate, and universal intromitter, "wes restand awand to the saidis complenaris divers and sindrie grite sowmes of money" specified in obligations made to them thereupon; also, the said Thomas owes personally to the said Mr Johnne, James Tarbert, and James Inglis, in all 6000 merks; and for not paying to the said Tarbert the sum of £1000 he had been put to the horn, at which he has remained "ane grite space bigane, vilipendand and contempnand thairthrow his Majesteis authoritie." And the said Thomas not only refuses to pay the foresaid sums due by him, but has "upoun his malicious and fraudfull maner" obtained from his Majesty "ane prevey licence to pas furth of the realme, and to remane furth of the same be ane grite space; and, althocht the said Thomas be enterit as air to his said umquhile fader, yit he, on his fraudfull maner, intendis nocht to tak sesing of his landis and heritageis in quhilkis his said umquhile fader deit last vest and sesit; to the effect that his lands, being cassin in nonentres and the gift thairof disponit to a certane freind with quhome the said Thomas hes maid his secrete moyane, and of quhome he hes securitie that the said gift sall nocht prejuge his commoditie: quhairby the said Thomas nocht onlie intendis to faill aganis the dewitie of ane faithfull subject in leving and abandoning his native cuntrey, the said Thomas being ane of his Hienes baronis quha, be the lawis of the realme, aucht and suld remane, to the effect he may be proffitable to his Majestie and his cuntrey alsweill in tyme of peax as weir (he having na gude caus to depairt furth of the same), bot alswa to defraud and alluterlie wrak the saidis compleneris and every ane of thame be sic fraudulent procedingis, seing they can gett na executioun aganis him, his persute being furth of the realme, and his landis To denounce Thomas Dempster of Auchterless, for not answering a charge of intending to expatriate himself, and so escape his obligations, private and public.

suppose a repetition of the stately performance. Spotswood's blunder probably arose from the fact that, having access to the Privy Council Register, and reading the present order hastily, he assumed the rejoicings to have been contemporaneous with the order, though the order refers to them as things past.

in nonentres, without his Majestie and the Secreit Counsall provyde tymous remeid."—Thomas Dempstair having been charged to appear before the Council, bringing with him the said licence, granted "in hinderence" of the said complainers, under pain of rebellion, the said Mr Johnne Dempstar appears for himself and the other pursuers, but the defender fails to appear. The order therefore is to denounce him rebel. Acta 1585-87. Fol. 107, a.

Order for certain payments to Lord Herries as warden of the West March in succession to Lord Maxwell.

The King, with advice of his Council, ordains his Treasurer to pay to Johnne, Lord Hereis, warden of the West March, £100 yearly "as for the ordinare fee appointit for using of the said office," together with £500 in pension yearly "for his supporte and bettir dischargeing of the same office" (formerly paid to his predecessor, Johnne Earl, of Mortoun), at two terms in the year, Whitsunday and Martinmas, beginning the first term's payment of the fee and pension at Martinmas next. "And, becaus of the present disordourit estate of the said West Marche, and that hardlie the brokin men, inhabitantis thairof, can be reduceit and haldin undir obedience without sum ordinare nowmer of weill horssit men, with thair commandare, be intertenyit undir wageis," the Treasurer is commanded to pay also to the said warden monthly £216, 13s. 4d., "for rasing and intertenying of xxiiii horsemen, with a capitane and commandare," extending in the year to £2600, beginning the first month's payment upon 1st July next, and so forth monthly till farther order.

Proclamation to obey Lord Herries, now warden of the West March.

The King, with advice of his Council, having nominated Lord Hereis to be warden of the West March, "for the gude reule and quietnes within the same, apprehensioun of thevis, tratouris and malefactouris owthir aganis the gude peax and amytie standing betuix the twa realmes or his awne peceable and gude subjectis," proclamation is ordered at the market cross of Drumfreis, charging all and sindry inhabitants within the said Wardenry to "reddilie answer, intend and obey" him, as they will answer at their uttermost peril. In like manner, the lieges of the West Wardenry are charged to "ryis, concur, fortifie and assist" Lord Hereis as often as required,—those disobeying to be esteemed as aiders and abettors of the offenders "and punist thairfoir with all rigour."

Exemption of the Burgh of Dumfries from passing on assizes, with a single exception.

In a supplication lately presented to the King and Council by the bailies, council, and community of Drumfreis, it had been declared that, "pairtlie be the malice and moyane of sindrie particulair personis, thair unfreindis, and pairtlie be the wrangous and dissaitfull dealing of divers officiaris of armes for thair awne privat gayne and commoditie," the said petitioners "hes bene and daylie ar summonit and chargeit to compeir befoir the Justice and his deputis and uthiris jugeis, to pas upoun assyissis and inqueistis in caussis quhairof for the maist pairt thay ar altogidder ignorant; lyke as for thair not-comperance, thay ar oftymes unlawit and utherwayes maist extremelie handillit; howbeit thair absence procedis not of contempt towardis his Majestie, bot upoun a verie necessitie be ressoun of thair povirtie, bot cheiflie for preservatioun of thameselffis, thair toun, guidis and geir fra the manifest reiffis, oppressionis and heirschippis of the thevis and brokin men in the cuntrey, to quhome be thair

Acta 1585–87. absence the same may be exponit in pray, to thair utter wrak and grite hinder of his Hienes service." The Privy Council having considered this petition and the "dangerous passage and large space betuix the said burgh of Drumfreis and the burgh of Edinburgh, being the cheiff seate of justice, and how requisite it is that thay remane at hame, aslweill for thair awne suretie as for geving thair assistance to his Hienes wardane," exempt the supplicants "fra all comperance befoir the said Justice or his deputis, to pas upoun the assyis of ony personis callit to undirly the law for ony capitale cryme, except the same cryme be committit within the boundis
Fol. 107, b. of the sherefdome of Drumfreis, quhilkis gif swa sal happin, in that cais thay salbe subject, being summonit, to compeir befoir the said Justice or his deputis, and pas upoun thair assyis." Also, the said petitioners are exempted from appearing before any other judges "to pas upoun assyissis and inquiestis in ony caussis civile outwith the boundis of the said sherefdome, ay and quhill his Hienes declair his expres mynd in the contrair."

Fol. 110, b. Caution by Robert Scott of Haning for Sir Thomas Turnbull of Bedroule, that he shall relieve the King and his warden at the hands of the opposite wardens "for all attemptatis committit and to be committit be him" and by others for whom he is liable by the general band, and that he shall appear when charged before the Council upon six days' warning, under the "pane of payment of the single and double availl of the bill or billis" wherein the said Sir Thomas and those for whom he is bound shall be filed,—the said Sir Thomas and Johnne Turnbull of Mynto becoming cautioners in relief. Edinburgh, 9th June. Caution for Sir Thomas Turnbull of Bedrule.

Caution in 5000 merks by the said Robert Scott for Walter Scott of Branxholme, that he shall answer before the Privy Council upon 21st June instant, "and underly sic ordour as salbe imputt for the weill and quietnes of the Bordouris." Caution for Walter Scott of Branxholm.

Caution in 5000 merks for Andro Ker of Fairnehirst, in £2000 for Thomas Rutherfurde, son and apparent heir of Richard Rutherfurde of
Fol. 111, a. Edzarstoun, in £2000 for Johnne Rutherfurde of Hunthill, and in £1000 for Robert Fraser of Overtoun, that they shall appear before the Council upon 21st June instant and underlie order "for the weill and quietnes of the Bordouris." Caution for Andrew Ker of Fernihirst, and others.

Fol. 107, b. Caution in £1000 by Johnne Seytoun of Pitaydie and Alexander Setoun in Stramiglo for James Setoun, brother of Johnne Setoun of Lafreis, and Thomas Oliphant, his servant, that they shall answer before the Council for any crime laid to their charge. Falkland, 9th June.[1] Caution for James Seton and servant.

Registration by Johnne Haliday, advocate, as procurator for the parties, of a band of caution in 1000 merks by Sir Johnne Gordoun of Lochinvar for Edinburgh, 10th June. Band for Gilbert Mure.

1 Observe here an instance of what happens occasionally, the registration of a piece of business as done by the Council at one place, while the main body of the Council was sitting at another. The previous pieces of business this day are by the Council in Edinburgh, while this was by a part of the Council with the King at Falkland.

Gilbert Mure, sometime in Auchingassill, that Thomas M°clellane of Bombie, James Gordoun of Bernbarrauch, Johnne, Thomas, and Alexander Gordonis, his sons, Thomas M°clellane of Nontoun, Thomas M°clellane of Myltoun, Johnne M°clellane in Urla, and Alexander M°clellane, burgess in Kirkcudbrycht, their tenants and servants, shall be harmless of the said Gilbert. The band is subscribed at Edinburgh, 9th June, before these witnesses: Alexander Gordoun of Barnecorkie, Johnne Haliday, and Johnne Fawla. Acta 1585-87.

Caution for Robert Maxwell.

Caution in £100 by Johnne Lindsay of Auchinskeoch for Robert Maxwall in Gararie, that he shall answer before the Council on 20th July next to a complaint made against him by Malcolme Flemyng of Litle Ares.

Caution for George Herries.

Caution by Johnne Lindsay of Auchinskeoch for George Hereis of Madinpape, that he shall pay to Robert Maxwell, messenger, or Alexander Clerk of Balbirny, collector of the taxation of £20,000, granted for pursuit of Johnne, Earl of Mortoun, such sums as he shall be found indebted for the taxation of the merkland of Chopmanleyis, lying within the stewartry of Kirkcudbrycht, over and above the sum of 4s. 6d consigned by him in the hands of the said collector.

Edinburgh, 11th June. Caution for the Lady Wadelie.

Caution in £100 by Johnne Bairty, burgess of Edinburgh, for Beatrix Lyle, Lady Wadelie, that she shall answer before the Council on 24th June instant, to a complaint made against her by Arthour Montgomerie, Williame Carfra, Thomas Thomesoun, tenants of the lands of Eist Borthuik, and Archibald Affleck.

Falkland, 14th June. Caution for James Finlayson and others.

Caution by Johnne Gordoun of Pitlurg for James Finlawsoun, elder, burgess of Dundee, and (at Falkland, 17th June) for James Dunbar of Cumnok, James Finlawsoun, son of the said James Finlawsoun, James Dunbar, burgess of Elgin, and Michael Mawar, portioner of Urquhard, "that quhatsumevir pairt of the fisheis of the halff and thrid pairt coblis fisheing upoun the watter of Spay" shall be found to have been intromitted with by them, or the value thereof, shall be made forthcoming, after trial, to Margaret Fraser, cessioner and assignee constituted by Helene Achesoun, her mother, to the fishings above specified, and to her husband, Thomas Achesoun, for his interest. Fol. 108, a.

Edinburgh, 21st June.[1]

Sederunt—Angus; Craufurde; Vice-Cancellarius; Episcopus Orcadensis; Pluscarden; Coldenknowis; Prepositus de Lynclowden.

To denounce Thomas Hume for not answering a charge of maiming cattle.

Complaint of Patrik Chirnesyde of Eist Nesbitt, as follows:—Upon the 1st of June last, George Hume of Cromycruke, and Thomas and Robert

[1] In the interval between this entry and the last, viz., on the 19th June 1587, King James had attained the age of twenty-one years complete, having been born in Edinburgh Castle on the 19th of June 1566. On the following day, June 20, the General Assembly of the Kirk, the fifty-first since the Reformation, had met in Edinburgh. By a majority of votes Mr Andrew Melville was once more appointed moderator. For the proceedings of the seventeen sessions of this Assembly see *Booke of the Universall Kirk*,

Acta 1585–87. Humes, his brothers, came to the complainer's lands of Eist Quartar, "and barbarouslie cuttit the taillis of twa horssis pertening to the said complenare, pasturing upoun the saidis landis, and the throitt of ane oix." The complainer appears; but the said Thomas, failing to appear, is to be denounced rebel.

Fol. 111, a. Caution for men of Teviotdale.

Caution by Archibald, Earl of Angus, for Williame Dowglas of Cavers, George Douglas of Bonjedburgh, younger, Johnne Turnbull of Mynto, Johnne Edmestoun of that Ilk, and Gawine Ellott of the Stobbis; by [? John] Cokburne of Ormistoun for Williame Ker of Cesfurde, warden of the Middle March, Johnne Mow of that Ilk, Lancelott Ker of Gaitshaw, and Thomas M^{c}kdowall of M^{c}kairstoun; by James Hoppringle of Quhytebank for Andro Ker of Lyntoun; by Robert Scott of Hanyng and Walter Carnecroce for Walter Cheisholme of that Ilk; by the said Earl of Angus for Walter Ker of Littilden, Richard Ruthirfurde of Edzarstoun, and Hector Turnbull of Wauchop; by Ker of Grange for Robert Ellott of Horsliehill;—that the foresaid persons for whom caution is found shall relieve his Majesty and his warden at the hands of the opposite wardens "for all attemptatis committit and to be committit be thame" and others for whom they are bound, and that they shall appear before the Council when charged upon six days' warning, under pain of payment of "the single and double availl" of the bill in which they shall be filed.

Fol. 108, a. Edinburgh, 23rd June.

Sederunt—Angus; Craufurde; Vice-Cancellarius; Pluscarden; Culrois; Blantyre; Coldenknowis; Clericus Registri; Linclowden, Collector; Murdocairny.

Certain persons denounced for not answering in a dispute as to rights of salmon fishing in the Spey.

Complaint of Margaret Frasar and Thomas Achesoun, her husband, his Majesty's master coiner, as follows:—The late Williame Birny, and after him the late Archibald Stewart, burgess of Edinburgh, and the late Helene Achesoun, his spouse, and the said Margaret's mother, had advanced great sums to the late Sir Alexander Dunbar of Cumnok and the late Patrik Dunbar, his son and apparent heir, "quhairby thair necessitie wes mony

pp. 314–322, and Calderwood, iv. 615–638. There was a continuation from last Assembly of a discussion and inquiry as to the Books of the Assembly, which had disappeared recently, and some of which were redelivered by his Majesty's orders in a mutilated state. Archbishop Adamson, for his delinquencies in that and in other matters, again came up, and the cases of Mr John Cowper and Mr John Gibson (*ante*, pp. 40, 107, 142, 155). The admission of William Erskine to the Bishopric of Glasgow (*ante*, 154) was unanimously disallowed; and the King's nomination of Mr Robert Pont, minister of St Cuthbert's, Edinburgh, to the Bishopric of Caithness, vacant by the death of the King's great-uncle, Robert, Earl of March (see vol. iii., *ante*, pp. 523, 609), was likewise voted unlawful, in respect of "that corrupt estate or office of them who have been termed bishops heretofore,"—though Mr Pont's personal worth and his dutifulness to the Assembly in remitting the matter to them were acknowledged. In view of the coming Parliament, it was recommended that there should be a collection of the Acts of Parliament against Roman Catholics; and an important Act of the Assembly was the nomination of Mr Andrew Melville, Mr Robert Pont, and Mr Walter Balcanquhall, with seventeen other ministers, and with the layman, John Erskine of Dun, to be commissioners for the Kirk in the coming Parliament. On the whole, the relations between the Court and the Kirk were not unamicable in this Assembly.

wayes relevit." For satisfaction of "quhilkis sowmes" they sold to their said three creditors respectively "the reddiest of thair halff and thrid pairt coblis salmond fisheis" upon the waters of Spay, for certain prices agreed upon between them, "ay and quhill thai wer compleitlie satisfeit and payit." The said Sir Alexander and Patrik warranted to them the said fishing against all persons. Questions, however, had arisen between Archibald and Helene on the one part and James Dunbar, now of Cumnok, son and heir of the said late Patrik, on the other part, regarding the said fishings, and both parties had pursued their claims before the Lords of Council and Session, who have not yet decided between them. But, at the request of the said Lords, both parties had found caution as follows:—Coline M°Kanzie of Kintail had become surety for the said James, that Archibald and Helene should not be molested in the said fishings till the questions between them were decided, and for Archibald and Helene to the effect that, if it should be found that they had intromitted "with ma fisheis nor it suld be fundin that thay had richt to, that thay suld refound the same to the said James." But, notwithstanding this Act of caution found by the said James, he, Gawine Dunbar, Archdeacon of , Alexander Mylne, servitor to the said James, James Finlawsoun, burgess of Dundee, James Finlawsoun, his son, James Jak, his servant, Michaell Mawar, Alexander Dunbar, son of Mr Johnne Dunbar, James Guthrie, sheriff-clerk of Elgin, "upoun the xiii day of Maii instant, with convocatioun of his Majesteis lieges, all bodin in feir of weir," carrying certain weapons, "hes ejectit and putt furth the saidis complenaris, thair servandis, fishearis and kennaris, furth of the said halff and thrid pairt coblis fisheing, and hes intromettit with and spuilyeit the haill fisheis that wer takin thairupoun, extending to three lastis salmond, with the haill provisioun of salt, hemp, nettis, coblis, barrellis and uthiris pertinentis, pertening to the said fisheing, extending to grit availl and quantitie, takand na feir of justice nor luikeand for na punishement thairfoir of his Majestie, and als contempnand the ordinance maid be the saidis Lordis of Sessioun thairupoun of befoir; the said James Dunbar of Cumnok and his complices nawayes being responsall in law to answer for thair deid and oppressioun foirsaid, and the said Thomas Achesoun, his Majesteis maister cunyeour, be ressoun of his office, being undir his Hienes protection, and being necessarlie subject to remane on his Hienes service."—The said James Jak, Michaell Mawar, Alexander Mylne, Gawine Dunbar, Alexander Dunbar, and James Guthrie, having been summoned to answer, and the said Thomas Achesoun appearing for himself and his spouse, but the persons so charged failing to appear, the Lords order them to be denounced rebels.

Acta 1585 87. Fol. 108, b.

Band for John Henderson.

Registration by Mr Richard Spens, advocate, as procurator for the parties, of a band of caution in 500 merks by Adam Spittall of Blairlogy for Johnne Hendirsoun, that Robert Hendirsoun, his brother, and his tenants and servants, shall be harmless of the said Johnne,—Andro Hendirsoun in Pethfute, Robert Hendirsoun in Little Jarway, and Williame Hendirsoun in Bad, becoming bound as cautioners in relief. The band is subscribed at

Acta 1585-87. Fol. 109, a.

Striviling, 10th June, by Robert Boill, notary public, for Andro, Robert, and Williame Henderson, who cannot write, before these witnesses: George Campbell of Ducathell, Johnne Archibald, Murrayis Woid, Cristie Hendirsoun in Athray.

Caution for John Ramsay, town-clerk of Crail.

Caution in 5000 merks by Thomas Mertoun of Cammo (Cambo) for Johnne Ramsay, common clerk of the burgh of Carraill, that he shall answer before the Lords of Session to anything laid to his charge by Johnne Geddie, bailie of the said burgh, or his colleagues, when required.

Caution for James Graham, Adam Hunter, and William Williamson.

Caution by Archibald, Earl of Angus, for James Grahame in Glenurquhar, and Adam Huntar in Heircleuch, in £200 each, and caution by Mr Robert Douglas, provost of Lincluden, in £200, for Williame Williamsoun in Durisdeir, that they shall answer before the Privy Council, upoun 15th July next, to the letters raised against them by Johnne Lindsay of Arneskeoch, and Thomas Park, his tenant of the lands of Wisschaw.

Edinburgh, 24th June.

Caution for Forrester of Boquhane.

Caution in £1000 by James Schaw of Sawquhy for Robert Forrestar of Boquhane, provost of Striviling, that Johnne Drummond, "ane of the ishearis of his Majesteis chalmer," his tenants and servants, shall be harmless of the said provost.

Caution for Acheson of Acheson's Haven.

Caution by Alexander Achesoun of Gosfurde for Mark Achesoun of Achesonisheavin, that he shalla ccount for and pay to Johnne Cheisholme, comptroller of the ordnance, such sums of money as he shall be found to have intromitted with as for "the dewitie of every chalder of salt" exported by him since his entry to the office of customary of Achesonisheavin, and that he shall not uplift any such duty in time coming.

Various cautions in the matter of the controversy between Boswell of Balmuto and the people of Kinghorn.

Caution by Patrik Williman, Williame Moreis, Thomas Smyth, Williame Nevin, Johnne Moyis, James (? Johnne) Mayne, David M^{c}Gullane, Johnne Porteous, Charlis Spens, Thomas Gawy, Michael Glen, Williame Forsyith, and Archibald Hendirsoun, inhabitants of Kinghorne, conjunctly and severally, for Johnne Allane, younger, George Cuke, Williame Andirsoun, Archibald Murray, Robert Young, Robert Johnnstoun, James Williman, James M^{c}clellane, Gilbert Drysdale, Thomas M^{c}clellane, Nichol Calp, James Man, David Ysoun (Eysoun), Johnne Thomesoun, Henrie Andirson,

Fol. 109, b.

Williame Hammiltoun, Johnne Moyses, Robert Fergus, Williame Symsoun, Nichol Angus, Johnne Heuch (Heich), Gawine Drysdell, David Lamb, Symon Dunbar, Williame Williamesoun, David Bennatt, Thomas Forsyith, and Johnne Kaa (Kay), inhabitants of Kinghorne, in 500 merks each, that Johnne Boswall of Balmuto, his tenants and servants, shall be harmless of the said persons (see *ante*, p. 182).

On the other hand, the persons for whom this act of caution has been found, viz., Johnne Allane, younger, etc., with David Smyth (whose name does not occur in the first list), become in turn sureties for their cautioners, viz., Patrik Williman, etc., under the same penalty, that Johnne Boswall of Balmuto shall be harmless of the said Patrik, etc.

And the following couples become cautioners for one another that the said Johnne Boswall shall be harmless of each of them, under a penalty of

£2000 for the first named, and of 500 merks for each of the rest aftermentioned:—viz., Johnne Kirkcaldy and Petir Sandelandis, bailies of Kinghorne; Robert Cunynghame and Johnne Cunynghame, his son, there; Williame Gray and Robert Brusoun there; James Hay and Patrik Thomesoun there; James Thomesoun, and Johnne Cunynghame, elder; James Cunynghame in Westgaitt and Williame Cunynghame there; Williame Portuous and Robert Melville; Johnne Reid and Williame Gourlaw; Thomas Broun and Gilbert Robertsoun; Thomas Vauch and Andro Walkar; Emenides Robertsoun and Williame Robertsoun; Williame Heich and Johnne Myllar; Henry Calp and Robert Crystie; Patrik Symsoun, and James Symsoun, his son; James Sandielandis and Johnne Walkar. To the same effect, James Kay, younger, becomes surety for Johnne Grenehill, George Kirkcaldy for Williame Kirkaldy, Williame Robertsoun for Williame Cuke, and Robert Cunynghame for George Heuch (see *ante*, p. 182). Acta 1585–87.

Each of the two last minutes has on its margin this note: "Deleit be a warrand subscrivit be his Majestie and his Chancellare daitit at Haliruidhous the xxii of Maii 1588." If the preceding entry has a similar note, it cannot now be read.

Edinburgh, 1st July.[1] Caution for Robert Home.

Caution in £1000 by Archibald Douglas of Pittindreich for Robert Hume, servant of the Laird of Aytoun, that, on being liberated from Edinburgh Castle, he shall enter again in ward within the said Castle when charged to that effect, upon 8 days' warning. Fol. 110, a.

Caution for Roger Grierson of Lag.

Caution by Johnne Lindsay of Covingtoun for Roger Greirsoun of Lag, that he shall pay to Robert Maxwall, messenger, the sum of 18 merks 9s. for the taxation (of which Alexander Clark of Balbirny is collector) of the 21 merkland between the Waters and Dalskarich, £5 land of Balquhar, £5 land of Auchinfrinko and 20 merkland of Langfurde and Holme, extending in all to 56 merkland, in case it shall be found that he ought.

Falkland, 5th July. Order in view of the approaching meeting of Parliament on the 8th of July.

"Forsamekle as the Kingis Majestie, now being of his lauchfull and perfyte age of xxi yeiris compleit, and maist willing to have all enormiteis and disordouris occurrit in this commounweill during the trublesum tymes of the minoriteis of his Hines and his darrest moder considerit and remedit,

[1] A noteable incident, which is dated "about the end of Junii," and, therefore, belongs to this point, was the visit paid to St Andrews, in the King's company, by the famous French Protestant and poet, Guillaume de Saluste, Sieur du Bartas, author of the long religious and descriptive poem, entitled the *Divine Weeks and Works*, afterwards so popular in the English translation by Joshua Sylvester. He had been in Scotland since May, and the King took him to St Andrews, that he might see the university there, and see and hear Andrew Melville and also Archbishop Adamson. For an account of the visit, and the "banquet of wet and dry confections, with all sortes of wyne," given to the King and Du Bartas in the New College hall, and the poet's expressed preference for Melville's eloquence over that of Adamson, and the King's agreement with him, see *Autobiography of James Melville*, pp. 255, 257, or the abridged story in Calderwood, iv. 638, 639. As Melville's Autobiography places the incident just after the General Assembly of June 1587, the probability is that it occured very late in June, just after Andrew Melville had returned from the Assembly, if not on one of the first days of July.

Acta 1585-87. to the plesure of Almychtie God, the honnour of his Majestie and commoun weill of his haill realme and gude subjectis, and to that effect having convenit his Parliament to begin upoun the aucht day of Julii instant, appointing all proces in the Session to stay quhill the xx day of the same moneth, and yit the Senatouris to remane undepairting oute of the burgh of Edinburgh, bot to be reddy to giff thair assistance and counsall to the Lordis of the Articlis in all thingis tending to the avancement of Godis service and his trew religioun, the honnour and commoditie of oure Soverane Lord and commounweill of the cuntrey: thairfoir ordanis letters to be direct to mak publication heirof be oppin proclamatioun at the mercatt croce of Edinburgh, that nane pretend ignorance of the same, and to command and charge all and sindrie his Hienes liegis quhilkis has ony mater to propone concerning thair particulair greiffis pertinent to the audience and jugement of the said Parliament, or tuicheing the commoun weill, that thay giff in the same, weill qualifeit in articlis, to the Clerk of Register betwix and the xv day of Julii instant, that he may present the same to the saidis Lordis of Articlis, and that every thing may be hard and discussit be thame in the awne place and ordour,—that is to say the materis concerning God and the trew religioun first, nixt the caussis concerning his Majestie and the commoun weill, and thridlie the particular sutis and complaintis of parteis: certefeing thame that presentis not thair saidis articlis and complaintis befoir the said xv day of Julii instant, that thay sall not be hard thaireftir during the tyme of this present Parliament."

Sederunt—Craufurde; Mar; Montrois; Vice-Cancellarius; Dominus Ogilvy; Thesaurarius; Pluscarden; Culrois; Blantyre; Coldenknowis; Clericus Registri; Clericus Justiciarie; Lynclowden, Collector; Joannes Seytoun. Edinburgh, 7th July.

Order for measures to be taken against pirates.

The King and Council "considering the monyfauld heirschippis, spoilis, and oppin rubbaries committit be a grite nowmer of pyrattis and uthiris evil disposed personis, enemeyis to commoun quietnes of all nationis, not only aganis the subjectis of this cuntrey, bot strangearis bringand hame victuallis now in this tyme of derth and scairstie, the same pyrattis nocht spairing sumtymes to repair in his Majesteis awne wattaris, and sum of thame presentlie remaning in certane pairtis ewest thairunto, attending upoun the cumpany of utheris quhilkis ar to repair unto thame, be quhome thaireftir, as his Majestie is informed, his Hienes gude subjectis dwelland upoun the coist sydes and utheris pairtis thairabout ar to be perse-
Fol. 110, b. wit with all extremitie to thair grite hurte and endangering of the publict peace," it is therefore ordered that all masters, mariners and skippers of ships and "crearis," and other lieges residing in Dundee, Sanctandrois, Carraill, Anstruther, Pettinweyme, Leyth, Kinghorne, Dysart, Kirkcaldy, Bryntiland and Innerkething, be charged by proclamation at the market crosses of the same to hold themselves "in reddines, weill and sufficientlie furnissit and

accouterit with munitioun, artaillierie and all uther weirlike [? engines], to repair togidder or severallie to sic pairtis as they salbe appointit and warnit be baillis, proclamation or uthirwayes, upoun dayis or houris warning, for withstanding and repressing of the attemptatis and intentioun of the saidis piratis and uthiris commoun enemeyis to all nationis, and persute of thame as occasioun salbe offerrit, undir the pane of tinsall of lyff, lands and guidis." Acta 1585–87

Proclamation for suppressing broken men on the Borders, and pirates.

The King, with advice of his Council, having consideration of the "monyfauld reiffis, heirschippis, depredationis, fyre-rasingis and incursionis committit be the brokin men, and uthiris evill disposit personis, commoun enemeyis to the commoun quietnes of baith the realmes," besides the trouble caused by the pirates as aforesaid, ordains the fencibles dwelling within the bounds of the sheriffdoms of Edinburgh principal and within the constabulary of Hadingtoun, Fyfe, Forfair, Beruick, Roxburgh, Selkirk, Peblis, Lanark, Drumfreis, Wigtoun, Air, Renfrew, Dunbartane, Striviling, Lynlythgow, stewartries of Kirkcudbrycht and Annanderdaill, and bailiaries of Kyle, Carrik and Cunynghame, to be charged by open proclamation at the market crosses of the head burghs of the same, "that thay and ilkane of thame, weill bodin in feir of weir, addres thame to be in reddines to repair to sic pairtis be sey or land as thai sall ressave new advertisment and warning, be chargeis, baillis and uthirwayes, and to pas fordwart as thai salbe commandit to the effect abonewritten, undir the pane of tinsall of lyff, landis and guidis." Further, the Acts of Parliament made by the King's predecessors, and especially by James the Fifth, for holding wapinschaws (1535, c. 20, ii. 345; 1540, c. 11, ii. 371; 1540, c. 21, 23–26, 27, ii. 362, 363) in order to the "preparatioun for weare and defence of this realme," having for a long time not been observed, "to the grite hurte and prejudice of the commounweill," proclamation is to be made commanding the ministers of the law to hold wapinschaws yearly upon the days appointed by the said Acts, "and specialie to begin upon the xx day of Julii instant."

To denounce David Home for an assault on a King's officer.

Complaint by Robert Campbell, Carrik pursuivant, as follows:—Upon 18th April last, while he was executing in Mayboill the King's letters obtained at the instance of Captain Patrik Cranstoun against Thomas Kennedy of Culyeane, tutor of Cassillis, dean Gilbert Kennedy, and certain others, David Home in Pennycleuch, "immediatlie eftir the charge gevin be the said complenare to the said dane Gilbert, within the College kirkyaird of Mayboill, maist cruellie and unmercifullie invadit and persewit the said complenare of his lyffe, straik him behind his bak with ane hacquebute upoun the heid, to the effusioun of his blude in grite quantitie, quhairthrow he lay bedfast the space of ane moneth thairefter, in perrell and dangear of his lyffe."—The complainer appearing personally, the Lords order the defender, for not appearing, to be denounced rebel. Fol. 111, a.

Caution for James Finlayson.

Caution in 2000 merks by David Grahame of Fintrey for James Finlawsoun, elder, burgess of Dundee, that he will not harm Thomas Achesoun, master cunyeor, or Margaret Frasar, his spouse.

Acta 1585-87. Fol. 111, b.

Caution for Mungo Lindsay.

Caution in 500 merks by Patrik Drummond, fiar of Carnok, for Mungo Lindesay, fiar of Ballule, that Johnne Buchquhannane in Mylnetoun, Thomas Buchquhannane in Balloch, and Patrik M°kintoshe, their fishes of the fishings of Bulloch, and the tenants and servants of these persons, shall be harmless of the said Mungo,—John Andro, clerk of Council, leading the hand of Mungo at the pen, "becaus I can not write."

Caution for Cunningham of Drumquhassil.

Caution in 2000 merks by Sir Patrik Howstoun of that Ilk, and Patrik Drummond, fiar of Carnok, for Johnne Cunynghame of Drumquhassill, that he will not harm Cuthbert Cunynghame, his brother. They also become bound for him in 5000 merks that, when liberated from the Castle of Edinburgh, he shall keep ward within the burgh of Edinburgh till relieved by his Majesty.

To denounce James Johnston for not appearing to answer a charge of violence and assault.

Complaint by Robert Grahame of Thornok, as follows:—Although he has possessed the lands of Thornok, with the place, tower, and fortalice of the same, for many years as his heritage, yet James Johnnestoun, and Johnne Johnnestoun, his brother, "fader brethir" of the late Sir Johnne Johnnestoun of Dunskellie, and servants of James Douglas of Drumlanark, "daylie and continuallie molestis, troublis and injureis the said complinare, his servandis and tennentis of the saidis landis, in the possessioun of the same, minassing and avowing to sute the lyveis of his tennentis and servandis gif thay pay ony thair maillis or dewiteis to him, or acknawlege him for their maister, or keip the said house and place of Thornok to his use and behufe; lyke as, in speciall, laitlie, upoun the xxiiii day of Maii last bipast, the saidis personis with thair compliceis, bodin in weirlike maner, come to the said complinaris said place of Thornok, layd fyre to the yettis thairof, assegeit the same be the space of sax . with shoittis of hacquebutis and pistollettis, and avowit to hang his servandis everie . gif thay maid ony resistance or impediment to rander the same; and forder, finding [thame] selffis disappointit of the recovery of the said house, thay cuttit the said complenaris . plewis with aixis and kaist the plew irnes in the loch, and cruellie dang, straik, . . servandis, to the effusioun of thair blude in grite quantitie and perrell of thair lyveis": thinking by such violence to extrude the complainer from his said lands and to appropriate the same to their own use.—James Johnnestoun not appearing to answer, while Robert Grahame appears personally, the order is to denounce the said James rebel.

Fol. 112, a.

Edinburgh, 8th July. Obligation by Earl Bothwell as keeper of Liddesdale.

Francis, Earl Bothuill, binds himself "to be answerable for all attemptatis committit be the inhabitentis of Liddisdale sen the day of Maii last bipast, be the entree to the wardane opposite of ane of the saidis inhabitentis contenit in every bill quhairof thay salbe fyllit, and consequentlie ane eftir ane uther, ay and quhill the same billis be payit according to the lawis of Mercheis; uthirwayes that he sall redres and pay the saidis billis of his awne propir guids: and this ordour to indure quhill the end of this present Parliament; at quhilk tyme giff payment or securitie of payment beis maid for his ordinare fee awand to him of certane yeiris bigane and

yeirlie in tyme cuming during the tyme that he sall remane kepare of Liddisdale, he sall, within dayis thairefter, entir the plegeis of Liddisdale to his Majestie and Counsall, to be placeit quhair his Hienes sall think gude, and forder sall use and discharge the said office thaireftir deulie as appertenis, sa that alwayes his Majestie and his wardane salbe relevit as accordis." Acta 1585-87.

Caution for Michael Mawar and James Guthrie.

Caution by James Finlawsoun, younger son of James Finlawsoun, burgess of Dundee, for Michaell Mawar, and James Guthree, sheriff-clerk of Elgin, in £500 each, that they shall answer before the Council upon 12th August next to a complaint against them by Margarat Frasar and Thomas Achesoun, master cunyeor, her spouse.

Caution for Robert Leslie.

Caution in 5000 merks by Johnne Levingstoun, younger, of Dunnypace, for Robert Leslie of Finressie, that he shall answer at the instance of Jeane Leslie and James Elphingstoun, her spouse, as law will; also, that he shall enter in ward in Blaknes if it be found that he ought.

Edinburgh, 12th July. Order as to the manner of accompanying the King to Parliament this day.[1]

As his Majesty "is to repair this day to the tolbuith of Edinburgh for chesing of the Lordis of Articlis of this present Parliament and doing of sundrie uthir thingis," and as "it is necessar that he be accumpanyed with his Nobilitie, Counsall and Esteatis in maist solempnit, honnourable and decent maner, as hes bene accustomat in tyme bigane, and cheiflie at this his Hienes first Parliament to be haldin eftir his perfyte age of xxi yeiris compleit," proclamation is ordered at the market cross of Edinburgh charging "all and sindrie erllis, lordis, bischoppis, abbottis, priouris, commissionaris of burrowis, and utheris haveand vote in this present Parliament, that thai and every ane of thame, rydand on horsbak, cled with futemantill, and uthir ornament, clething and abuilyiement requisite for the honnour of the present actioun, repair, attend, and accumpany his Majestie, every ane in thair awne rankis, to and fra his Hienes palice of Haliruidhouse and the said tolbuith of Edinburgh, and that nane be absent nor schaw thame selffis unhorsit or wantand the provisioun, clething and abuilyiement foirsaid, ilkane undir the pane of ane hundreth pundis: certefeing thame, and thai do in the contrair, that the said pane salbe uptakin of thame, and forder thay sall be dischargeit to have vote in this present Parliament; and that every grite barroun and . . . . futemantill and abilyiement according to . . . . barroun, accumpany likwayes his Majestie this present day and uthiris dayis during the tyme of this present Parliament: dischargeing all personis of all repairing afoir his Majestie in the tolbuith, or doing of ony thing quhairby hinder and inquietnes may follow, ather ellis ony of the saidis Esteatis or utheris his Hienes officiaris may be prejugeit of thair placeis, rowmes, or impedit in the executioun of thair officeis."[1] Fol. 112, b.

[1] The Parliament had been formally opened as by appointment (*ante*, p. 194) on the 8th of July; but this day, Wednesday the 12th, was to be the real beginning of business by the election of the Lords of the Articles, &c. In fact, however, there was a stoppage,

Acta 1585–87. Caution in £100 by Robert Hepburne of Fortoun for Robert Dodis in Soutray Barnis, that he will not harm Francis Douglas of Borg, his tenants or servants. Caution for Robert Dodds.

Caution to the same effect and amount by David Hoppringle, "ypothecar," burgess of Edinburgh, for David Hoppringle in Over Hairtsyde, and Alexander Hoge in Nethir Brodirstanes,—John Andro, clerk of Council, subscribing for the parties finding the caution, "becaus we can not write." Edinburgh, 13th July. Caution for David Hoppringle and Alexander Hoge.

Caution in £500 by Patrik Drummond of Monzie for Johnne Drummond, that he will not harm Dame Annas Keyth, Countess of Ergyle and Murray, Coline Campbell, her son, Johnne Robesoun, tenant of their lands of Nethir Smythstoun, or their tenants and servants. Caution for John Drummond.

Caution in £1000 by David Lindesay of Kynnettlis for James Finlawsoun, son of James Finlawsoun, burgess of Dundee, that Thomas Achesoun, and Margaret Frasar, his spouse, shall be harmless of him. Edinburgh, 14th July. Caution for James Finlayson.

Caution in 500 merks by Johnne Semple of Foulwode for Mungo Lindsay of Bullule, and Johnne Arthoursoun *alias* Darleith, his oy, that Johnne Buchannane in Mylnetoun, Thomas Buchannane in Bulloch, and Patrik M^c^kintoshe there, fishers to Ludovick, Duke of Lennox, of his fishings of Dalloch [? Balloch] and water mouth of Levin, their tenants and servants, shall be harmless of the said Mungo and Johnne. Edinburgh, 15th July. Caution for Mungo Lindsay and John Arthurson.

Fol. 113, a. Caution in £2000 by Sir James Sterling of Keir for Alexander Forrestar of Garden, Robert and Johnne Forrestaris, his brothers, Walter Forrestar, James Forrestair in Wanles, James Greinlaw, and Allaster Forrestair, that Johnne Drummond of Slipperfeild, "ane of the yshearis of his Majesteis Chalmer,"[1] shall be harmless of them. Caution for Alexander Forrester of Garden and others.

Robert Forrestar of Boquhane, provost of Striviling, as procurator for Alexander Forrestair of Garden, registers an obligation by the said Alexander, executed at the Torwod, 15th July, and witnessed by Duncane Forrestair of Kilmoir, Mr Alexander Campbell, and Johnne Grienla, binding him to keep his surety, "ane honourable man and my gude freind," Sir James Sterling of Keir, skaithless in the premisses. Relief of the cautioner abovenamed.

"partlie becaus the noblemen could not agree upon the bearing of the honours, partlie becaus some of them contended for the first vote in Parliament." Calderwood, who gives us this information (iv. 640), adds that Bothwell and Crawford were among those at variance, and that Lord Fleming and Lord Hume challenged each other to combat. It was, consequently, not till the next day, Thursday the 13th, that the ceremony contemplated in the present order took place. Then, "about foure after noone," continues Calderwood, "the king and nobility came to the Tolbuith, which was the Parliament Hous. The Duke [of Lennox] carried the crowne, the Erle of Angus the sceptre, the Erle of Huntlie the sword. Fleeming went to the place appointed for the combat; Hume was stayed by the toun of Edinburgh. The King sent for them, and reconciled them." The Parliament continued in session till the 29th, the King paying a visit to Falkland on the 15th and returning on the 20th.

[1] This is the father of the poet Drummond (see *ante*, p. 96); and the entry proves that he held the post of usher to the King earlier than has been usually supposed. "Slipperfield" was part of his general estate of Hawthornden, which comprehended Hawthornden proper, Slipperfield, Whitfields, and Kingsfield.

Edinburgh, 16th July. Caution for John and Peter Maxwell.

Caution by Williame Baillie of Lamyngtoun for Johnne Maxwall of Balgredan in 1000 merks, and for Petir Maxwall, his brother, in £500, that Richard Maxwall of Monchellis, and Johnne Hendirsoun, his tenant, shall be harmless of them. Acta 1585-87

Caution for George Home of Cramycrook.

Caution in 1000 merks by Johnne Home of Crocerig for George Home of Cramycruke, that Petir Chirnesyde of Eist Nesbitt shall be harmless of him.

Edinburgh, 17th July. Caution for James Young and William Wallinch.

Caution in 500 merks by William Wallinche in Kinghorne for James Young there, and in a like sum by James Young for Williame Wallinche, that they will not harm Johnne Boswall of Balmuto, or his tenants and servants.—Deleted by a warrant subscribed by the King and his Chancellor, dated at Haliruidhous, 22nd May 1588. Fol. 113, b.

Caution for James Maxwell in Auchinfad.

Caution in £500 by Sir Robert Maxwall of Spottis for James Maxwall in Auchinfad, that he will not harm Richard Maxwall of Moncheillis, or Johnne Hendirsoun, his tenant.

Edinburgh, 19th July. Caution for John and William Irving and James Robertson.

Caution in £500 each by Williame Irwing, burgess of Kinghorne, for Johnne Irwing, burgess of the same, and by the said Johnne Irwing for Williame Irwing and James Robertsoun, burgesses thereof, that Johnne Boswall of Balmuto, his tenants and servants, shall be harmless of them.—Deleted as above.

Edinburgh, 20th July. Caution for Archibald Polwart.

Caution in £500 by James Hammiltoun, younger, of Langharmestoun, for Archibald Polwart, son of Petir Polwart in Lynlythquow, that he will not harm Johnne Grahame of Hilderstoun.

Edinburgh, 25th July. Caution for Houston of that Ilk.

Caution in £1000 by Robert Grahame of Knokdoleane for Sir Patrik Houstoun of that Ilk, that Johnne Shaw of Bergarrane, and Robert and . . Shawis, his sons, shall be harmless of Sir Patrik.

Edinburgh, 27th July. Caution for James Reid

Caution in £100 by Johnne Campbell of Lawaris for James Reid, *alias* M^c^kallastar, that he shall answer before the Council upon 11th August next to a complaint by Alexander Feodar in Wester Downy. Fol. 114, a.

Caution for Fairlie of that Ilk and others.

Caution by Thomas Craufurde of Jordanehill and David Craufurde of Blakcraig for David Fairlie of that Ilk in 1000 merks, for Robert Fairlie, younger, of Fairlie, in 500 merks, and for Robert Forrestair in Fairlie and Alexander Blaikburne there in £100 each, that they will not harm Patrik Mosman, writer.

Caution for James Cunningham and Daniel Wallace.

Caution in 500 merks by Daniell Wallace in Kinghorne for James Cunynghame there, and in a like sum by the said James for Daniell, that they will not harm Johnne Boswall of Balmuto.—Deleted as above.

Edinburgh, 28th July. Caution for Francis

Caution by Johnne Cokburne of Ormistoun for Francis Douglas of Borg in £1000, and for Williame Cleuch in Nethir Hairtsyde in £100, that Margaret Broun, relict of the late Robert Lawsoun of Humbie, David

Acta 1585–87. Hoppringle, her tenant of the lands of Over Hairtsyde, and Alexander Hoge in Nethir Brodirstanes, shall be harmless of the said Francis and Williame. Douglas and William Cleuch.

Caution by Johnne Campbell of Cader for Hew Hering of Prendreich in £500, for Johnne Robesoun, portioner of Balshanno, in 500 merks, and for George Campbell in Lundy, Johnne Kynneir there, Johnne Robesoun, younger, son of the said Johnne Robesoun, in 300 merks each, that Patrik, Lord Drummond, and William Drummond, his tenant of the lands of Smythstoun, shall be harmless of them. Edinburgh, 29th July.[1] Caution for Heron of Pendreich and others.

[1] This was the last day of the Parliament, and is the date of their Acts. These are no fewer than 136 in number (Acts of Parl. iii. 427–522), including "*Declaratioun of oure Soverane Lordis perfite aige*," "*Ratificatioun of the Libertie of the Kirk of God*," "*Anent tryall and punishement of the offences of the adversaris of the Trew Religioun presentlie professit within this realme*," "*Aganis sellaris and dispersaris of papisticall and erroneous buikis*," and "*Annexatioun of the temporalities of benefices to the Crown.*" This last Act was a most sweeping and important one. On the ground that the Crown had been greatly hurt and impoverished in past times by the gift of the greatest part of its proper patrimony to Abbeys, Monasteries, and the Clergy, and that the necessity for such disposition had ceased, and to avoid grieving the lieges with inordinate taxation for the support of royalty, there were annexed to the Crown from that date, with certain specified exceptions, "all and sindrie landis, lordschippis, baronies, castellis, touris, fortalices, mansionis, maner places, milnis, multuris, woddis, schawes, parkis, fischeingis, townis, willages, burrowis in regalitie and baronie, annuelrentis, tenementis, reversionis, custumes," &c., &c., then pertaining to "quhatsumevir archibischope, bischop, abbot, prior, prioresse," or to "quhatsumevir uther prelate, uther ecclesiasticall or beneficit persoun," or to "quhatsumevir abbay, convent, closter," or "ordour of freris or nunis, monkis, or channonis, howsoevir thai be nameit," or to "quhatsumevir college kirk," or "prebendarie or chaiplanrie," and "sic-like all and sindrie commoun landis bruickit be chaptouris of cathedrell kirkis and chantorie colleges,"—the usual teinds to be reserved for the maintenance of the clergy, with their manses and glebes, and the principal castles and residences also of the archbishops, bishops, commendators, and other possessors of the great benefices (iii. p. 431). The Act, says M'Crie ("Life of Melville," vol. i. p. 290), "paved the way for the abolition of Episcopacy. It virtually divested the bishops of their right to sit in the national judicature, which was founded on their baronial possessions, and consequently removed the principal plea upon which the Court had hitherto upheld them. . . . This consideration induced the Presbyterian ministers to wink at the alienation of the ecclesiastical property. Nor do the bishops appear to have made any formal opposition to this sweeping statute. Existing solely by the favour of the prince, and dreading the entire suppression of their order, they silently acquiesced in a measure which stripped them of such valuable possessions, and left them exposed to the persevering attacks of their adversaries." Calderwood says that Archbishop Adamson expressly consented to the Act; and Spotswood (p. 365) says that, to reconcile the Presbyterian clergy to the Act, it was sedulously whispered among them by the courtiers "that this was the only way to undo the Prelacy," inasmuch as, when bishoprics were made not worth having "none would be found to accept these places." He adds that James came in time to repent sorely that such an Act had been passed.—Another very important political change was effected in this Parliament by "*The Kingis Majesties Declaratioun concerning the voittis of small baronis in Parliament* (iii. p. 509)." In the preceding or Linlithgow Parliament of December 1585 there had been a discussion of the propriety and advantage of bringing into Parliament regular representatives of the small barons, as the lairds or freeholders next in rank to the great nobles were usually called. There had been a pretty general agreement that this should be done by reviving an Act of King James I., of the year 1427; but the matter had been left entirely to the decision of the King. Now, accordingly, having come to his perfect age, he decrees that the said Act shall be revived, and that thenceforth, instead of that vague right of attendance in Parliament which belonged to the lesser barons individually, but which had fallen into desuetude from various causes, including their own listlessness or dislike of the trouble, the rule shall be that they shall duly return commissioners for the shires, each shire severally.

Edinburgh, 1st August.

Sederunt—Thirlstane, Cancellarius; Montrois; Boyd; Orknay; Pluscarden; Culrois; Neubottle; Blantyre; Clericus Justiciarie; Clericus Registri; Collector Generalis; Murdocairny; Coldenknowis. Acta 1585–87. Fol. 114, b.

To denounce Richie Herries and Robert Herries for non-appearance to answer a complaint of Gordon of Barnbarroch.

Complaint by James Gordoun of Bernbarrauch, as follows:—"He hes of a lang tyme bigane sustenit oppin and manifest reiffis, heirshippis, spuilyeis and depredationis, be certane thevis and brokin men, speciallie be the Murrayis of Aikatt, quha, at all tymes of thair repairing and resorting to the said complenaris landis and boundis and depairting thairfra with thair spoill, ar ressett and intertenyed in the house of Richie Hereis in Bernbarrauch, inbrocht be him, and secreitlie convoyed to the said complenaris stoir houssis. Like as, at divers tymes, he hes outputt the said James guidis in maist thiftuous maner to thame; and, besydis this his unlesum forme of doing, he continualie molestis and troublis the said complenare in possessioun of his lands of Barnehowrey, and be his masterfull oppressioun hes layed ane grite pairt of the same waist, bostis [and] minassis his saidis tennentis and servands, and divers tymes invadis and persewis thame for thair bodilie harme and slauchtar. Like as, in the moneth of December last bipast, he and Robert Hereis, his bruthir, with divers thair compliceis, come to the said complaneris landis abonewrittin, and cuttit his pleuch and haill ornamentis thairof in peceis. And, albeit the said complenare mycht not onlie withstand and resist this oppressioun and injurie, bot repair the same with the like or grittare, yit, for the reverence he beiris to us, he hes abstenit swa to do."—The complainer appearing personally, the said Richie and Robert, who have failed to appear, are to be denounced rebels.

Some of the nobles opposed the Act, and one, the Earl of Crawford, protested against it.—As usual there was an Act in this Parliament relating to the constitution of the Privy Council (iii. p. 444). The following sixteen were to be of the Council, when they chose to be present or were sent for:—Lord Hamilton, the Earls of Angus, Huntly, Crawford, Errol, Marischal, Bothwell, Montrose, Mar, and Rothes, the Archbishop of St Andrews (Adamson), the Bishop of Dunkeld (Peter Rollock), Lords Doune and Herries, and the Commendators of Paisley (Lord Claud Hamilton) and Pluscarden (Alexander Seton). Of his Majesty's "ordiner and daylie Privie Counsell" were to be the Bishop of Orkney (Adam Bothwell), the Commendator of Culross, the Laird of Seggie (James Meldrum), and the Laird of Cowdenknowes, Captain of Edinburgh Castle, with such others as his Majesty might add, and, of course, with the present great officers of state: to wit,—the *Chancellor*, "quha is alsua Secretair"; the *Treasurer* (Thomas Lyon, Master of Glammis); the *Comptroller* (Sir John Seton, successor of Andrew Wood of Largo; the *Collector-General* (Robert Douglas, provost of Lincluden); the *Lord Keeper of the Privy Seal* (Walter Stewart, Lord Blantyre); the *Master of Requests* (Mark Ker, Commendator of Newbattle); the *Justice-Clerk* (Sir Lewis Bellenden of Auchnoull); the *Advocate* (David Makgill of Nisbet); the *Treasurer-Depute* (Sir Robert Melville of Murdocairny), and the *Lord Clerk Register* (Alexander Hay of Easter Kennet). By a separate Act (iii. p. 490), the Chancellorship, which had been vacant since the disgrace of Arran, was ratified to Sir John Maitland of Thirlstane, hitherto Secretary, and of late styled Vice-Chancellor also,—the promotion being on account of the "notable pruif and knawledge" which his Majesty had long had of "the singulair qualities and dexterite" of the said Sir John. By another special Act of the same Parliament (iii. p. 472) the earldom of Morton was ratified to the Earl of Angus as the proper successor to the heritage of his uncle, Regent Morton. This was another blow at the exiled Lord Maxwell, whose interim tenure of the earldom of Morton had suffered shocks already.

Acta 1585-87. Caution in 2000 merks by Thomas M°clellane of Bombie for Robert Maxwall of Garary, that Malcolme Flemyng of Little Ares shall be harmless of him, the said Robert,—Johnne M°kdowell of Fruch, and Petir M°kdowell, fiar of Mauchirmoir, becoming cautioners in relief. Edinburgh, 2d August. Caution for Maxwell of Gararie.

Caution in £1000 by Robert Maxwall of Gararie, Johnne Foullartoun of Carltoun, and Williame M°clellane of Balmangane, for Alexander Maxwall of Balgredane, that he will not harm George Gordoun in Candidyew, his wife, bairns, or tenants. Caution for Maxwell of Balgredane.

Caution in 2000 merks by James Douglas of Drumlangrig, as principal, and Andro Cunynghame of Brokshaw, as surety, that Robert Grahame of Thornok shall be harmless of the said James. Edinburgh, 4th August. Caution for James Douglas.

Fol. 115, a. Caution by Alexander Lauder, younger, of Haltoun, for Mr Samuel Cokburne of Tempilhall, as principal, in 1000 merks, and for George Grynlaw, servant of the said principal, in £500, that Michaell Lindsay of Esperstoun, Thomas Meggatt, occupier of Outterstoun, and James Symontoun of Howburne, shall be harmless of the said Mr Samuel and his servant. Edinburgh, 7th August. Caution for Mr Samuel Cockburn and George Greenlaw.

Caution by Johnne Gourlaw, burgess of Kinghorne, for Henry Brokhart and Archibald Gourlaw there, and by the said Henry for Johnne Gourlaw there, in 500 merks each, that Johnne Boswall of Balmuto shall be harmless of them.—Deleted as above, p. 200. Edinburgh, 8th August. Caution for Henry Brokhart and others.

Sederunt—Thirlstane, Cancellarius; Montrois; Magister de Glammis, Thesaurarius; Joannes Seytoun, Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Neubottle; Pluscarden; Coldenknowis. Edinburgh, 9th August.

Complaint of Mr Thomas Leslie, burgess of Abirdene, as follows:—"He being summoned to compeir as witnes befoir his Majestie in ane actioun depending befoir the Secrete Counsall, beleving na evill nor injurie to have bene done to him be ony maner of persoun, bot to have levit peceablie undir his Hienes protectioun and obedience, and specialie within the said burgh, being ane of his Majesteis speciall hie burrowis, nevirtheles, fer by his expectatioun, Patrik Leslie, sone to James Leslie, burges of the said burgh, being ane man maist insolent and disobedient to Gods law, his Majesteis lawis, and the obedience he aucht to his parentis, upoun the saxtene day of May last bipast, come to the said complenaris duelling house within the said burgh, and maist violentlie and rigorouslie dang ane servand of his, callit Elspett Jak, with ane battoun, mynding to have slane hir; like as he left hir thair for deid, to the effusioun of hir blude in grite quantitie, quhairby sho wes constranit for feir of hir lyff to leave the said complenaris service. And, not being content thairwith, thaireftir the said Patrik, being accumpanyed with Johnne Leslie, his bruther, ane To denounce Patrick and John Leslie for not answering a charge against them by Mr Thomas Leslie of Aberdeen.

infamous persone, and Jonnett Huntar, ane woman altogidder infamous, delait to the kirk, and rejectit be hir husband, come within the said complenaris close, and violentlie dang up his chalmer dur and past to his coffers, and maist violentlie reft and awaytuke his haill evidentis, chartouris, sesingis, reversionis, obligationis, and utheris writtingis, to his utter wrak."—The said Patrik and Johnne having failed to appear to answer to this complaint, while Mr Thomas appears personally, the Lords order the two to be denounced rebels. Acta 1585–87.

Caution for Patrick Dunbar, Mr James Dundas, and others.

Caution by Williame Ker, son and apparent heir of Robert Ker of Wodheid, for Patrik Dunbar of Blarie, and Mr James Dundas, chanter of Murray, in 1000 merks each, and for Walter Watsoun, servant to the said Patrik, Johnne Grig, servant to the said Mr James, and Johnne Dundas, servant to Walter, Abbot of Kinlos, in 300 merks each, that George Dunbar of Aslesk shall be harmless of them. Fol. 115, b.

To denounce Robert Hamilton, apparent of Preston, and Mr Patrick Hamilton, for non-appearance to answer a charge of assault on Habakkuk Bisset, writer to the signet, in St Giles's Church, Edinburgh.

Complaint of Abacucke Bissett, writer to the King's signet, Mr David M°kgill of Nesbitt, King's advocate, and Mark, Commendator of Neubottle, conservator of the privileges of the College of Justice, in name of the whole senators, advocates, scribes, writers and other members of the same, as follows:—Mr Patrik Hammiltoun, brother of Hammiltoun of Prestoun, and Robert Hammiltoun, apparent of Prestoun, "having of a lang tyme bigane consavit ane deidlie feid and haitrent aganis the said Abacuke for writing of certane letters of hoirning and uthiris at the instance of Nicholl Ramsay, bruther to James Ramsay of Cokpen, aganis the said Maister Patrik and his spous, for sum debtis or sowmes of money awand to the said Nicoll Ramsay, and at last the saidis Nicoll and Mr Patrik being appointit thairupoun, the said Abacuke write ane contract thairanent betwix thame in the moneth of Februar last bipast or thairby; and, at thair desiris haveing writtin twa halffis of the said contract to the effect ather of thame mycht have had ane double thairof, and thairwith conforme to the said contract haveing writtin letters at the said Mr Patrikis instance for suspension of the said hoirning, he craving payment fra the said Mr Patrik for the saidis letters of suspensioun and for his parte of the said contract conforme to the ordour, the said Mr Patrik, and Robert Hammiltoun, appeirand of Prestoun, then not onlie gave very injurious words thairfoir to the said complenare, afferming him to have bene writtare and rasare of the saidis letters of horning aganis the said Maister Patrik, bot als thay bosted and schored to have putt violent handis in the said complenare, and to have tane his lyff; quhilk thay avowit to prosequute and putt in executioun quhen thay micht find the tyme. Nevirtheles, the said Abacuke, having committit na cryme that deservit the same, and supponing that the said injurious bosting, consavit without ony just caus, eftir proces of tyme had been foryett, behavit himself in peceable and quiet maner, as become ane man of his vocatioun, quhill at last, upoun the xxiiii day of Julii instant, the saidis Maister Patrik Hammiltoun, and Robert Hammiltoun, appeirand of Prestoun, being myndfull to putt thair said ungodlie interprise to executioun, come

Acta 1585–87. to Sanct Gelis kirk in Edinburgh, bodin in feir of weir, with swerdis, pistollettis and utheris waponis invasive, and thair, finding the said Abacuke gangand in peceable and quiet maner a little befoir fyve houris at evin, awaiting upoun the ringing of the fyve houris bell to the evening prayeris, quhair he wes myndfull to have said his prayeris to God, conforme to his accustomed use, having na swerd, waponis nor armour, bot purpossing to have leavit undir Godis peax and his Majesteis, being within the tyme of Parliament, then the said Robert Hammiltoun, appeirand of Prestoun, and the said Mr Patrik, sett upoun the said complener in the said kirk, and brak his heid first with the plumbattis or gairdis of ane of thair swerdis, to the effusioun of his blude, and thaireftir, he fleand away frome thame furth at the West Kirk dure of the said kirk, thay followit him, and in the portche or throwgang of the said West Kirk dure invadit and struke him with drawne swerds, quhairthrow thai or ather of thame, concurrend togidder, cruellie woundit him in the left hand, and hes mutilat and dismemberit him of the haill foure fingars of the left hand,—at the leist, hes dismemberit him of ane joint of the foirmest fingare thairof and of the haill twa midmest fingaris, and mutilat and dismemberit him also of the litill fingare thairof. And, becaus the same not onlie is done aganis ane of the memberis of the Sessioun for using of his office lesumelie and treulie, bot als within the tyme and during the dependance of the present Parliament, contrare the tennour of the actis and proclamationis maid thairanent and ordour observit in tymes of Parliament, and nevirtheles, as the saids complenare[s] ar informed, the saidis personis ar kepit close within the burgh of Edinburgh and uthiris placeis aboute the same that thai can not gudlie be apprehendit."—Abacuke Bissait appears by Mr James Donaldsoun, advocate, as his procurator; and the two accused Hammiltons, not appearing, are denounced rebels.[1]

To denounce Thomas Campbell and others for not answering to a charge of spuilzie.

Fol. 116, a. Complaint of Andro M^c^kraith, as follows:—In February last, Charlis Campbell of Horscleuch, Charlis Campbell of Skyntoun, Thomas Campbell in Dalhanna, Thomas Leith, and George M^c^kgaychane of Barlanochane, wrongously and masterfully "awaytuke fra the said complenare viii ℔. iiii s. money, ane blankatt and ane pott, with sum peceis of muttoun, being the onlie thing he had to leve on, he having committit na cryme nor offence

[1] For some account of this Abacuck Bisset see Chambers's *Domestic Annals of Scotland*, i. 180, 181. He had obtained his quaint name, we are there told, by an accident. His father had been caterer to Queen Mary, and "one day, as she was passing to mass, he acquainted her with his having a child to be baptized, and desired her to assign the infant its name. She said she would open the Bible in the chapel, and, whatever name she cast up, that should be given to the child. The name cast up was that of the prophet Habakkuk, which, in the form of Abacuck, was accordingly conferred on the future writer." If this legend is correct, Abacuck must have been a very young writer to the signet at the date of the present assault upon him by the Hamiltons,—not more than twenty-six years of age. That, however, would correspond with what is known of him afterwards. He lived into the reign of Charles I., and was in his old age the author of a treatise of Scottish legal history and practice, entitled *The Rolment of Courtis*, still in MS., but containing odd fragments of by no means bad verse, specimens of which have been printed. Chambers gives two.

aganis thame nor na uthiris."—Audro appearing personally, the foresaid persons, for not appearing, are to be denounced rebels. Acta 1585 87

To denounce Herbert Maxwell for non-appearance to answer a charge of Robert Rae.

Complaint of Robert Raa in Durscone, as follows:—In May last, Harbart Maxwall in Kirktoun of Kirkmaho, called Patrikis Hobbie, came to the complainer's lands in the Kirktoun of Kirkmaho, "and, eftir the same wes sawne be him and his servandis in his name with hemp, the said Harbart wrangouslie and be way of deid teillit and sew the same ouer agane with beir, of intentioun thairby to appropriat the same to himselff,—at the leist be his oppin and manifest oppressioun and bangstree swa to dwang and thrall the said complenare that he salbe compellit to yeild to quhatsumevir his unressonable desyris anent his richt, title, kyndnes and possessioun of the saidis landis."—For failing to appear, while the complainer appears by George Redik, his procurator, Harbart is denounced rebel.

Market day of Dunse altered from Wednesday to Monday.

The King and his Council understanding that the weekly market of the town of Duns is held upon Wednesday, "quhairunto thair is litle or na resorte of the cuntrey people, be ressoun that upoun the same day thay ar for the maist part uthirwayes occupiit in thair awne particular effearis, quhairthrow the same mercatt is able to dekay, to the grite hurte of the inhabitantis and communitie of the said toun and discommoditie of his Majesteis legis dwelland aboute the same, without the said mercatt be alterit and changeit to Mononday oulklie, quhilk is maist ganand and meit to be kepit baith for the toun and countrey people," therefore, upon the supplication of Williame Home of Aytoun and the inhabitants of the said town, the said market day is changed from Wednesday to Monday. Publication of the change is ordered at the market cross of Duns.

A case of Border Law: Thomas Park, now in custody, and in danger of being surrendered to the English warden, and so executed, for having bought a mare that had been stolen from an Englishman, prays that certain other persons, who had bought at the same time other portions of the stolen goods, may be made responsible proportionally, so that the necessary compensation may be made, and he may be relieved from

The King's letters raised by Johnne Lindsay of Arneskeoch, and Thomas Park, his tenant of the lands of Wesschaw, set forth that 9 horses and mares, stolen by Andro . of Graden and his accomplices from Thomas Forrestar, Englishman, had been sold to the persons underwritten, "except ane meir, quhilk wes sauld to the said Thomas Park, unknawne to him for the tyme that the same wes stollin." It had nevertheless pleased the said Englishman "to persew the said Thomas Park for the haill guids; and, at last, following the extremitie of the Bordour lawis, quhilk makis ony persoun ressettare or intromettour with ony parte of the guidis stollin furth of ather realme to be answerable for the haill guidis stollin at that tyme," the said Englishman had "purchest the said Thomas Park fyllit of the bill persewit at his instance." Consequently, "William Ker of Cesfurde, wardane of the Middle Marche of this realme, causit charge the said Johnne Lindsay, as maister and landislord to the said Thomas Park, be vertew of letters past be delyverance of the Lordis of Prevey Counsall, to have enterit the said Thomas Park to him at ane certane day bipast, for his releiff at the handis of the opposite wardane; like as, for the said Johnes allegeit dissobedience, the said wardane causit denunce him rebell and putt him to the horne: howbeit it be of veritie that the said Johnne Lindsay usit sic diligence as possiblie he could at that tyme for appre- Fol. 116, b.

Acta 1585-87. hending of the said Thomas Park; quha, be ressoun of the formare extremitie, wes forceit to provide for his awne securitie for eschewing of a gritare extremitie,—quhilk wes the dangeare of his lyffe; quhilk be all appeirance can not now be spairit, seing he is apprehendit be his said maister, quha having brocht him to Edinburgh and deliverit him to the said wardane according to the band gevin to the same effect, the said wardane, for his relieff, intendis agane to delyver him to the opposite wardane, quha, according to the lawis of the Bordouris, will caus execute him to the death, eftir the space of xl dayes be outrun and the bill not payit,—quhilk the said Thomas Park is not able to pay, being ane pure man, saikles and innocent of the steilling of the saids guids, not having of his awne uthirwayes to releve the same." It is represented that "the uthiris personis, his fellowbyaris of the remanent of the saids guidis, ar for the maist parte honnest substantious personis, that may weill aneuch releve the said Thomas of the said bill, and that ressoun and gude conscience cravis that swa sald be,—at leist that everyane suld releve according to thair intromissioun,—and that the Bordour law provydis that, gevand the said Thomas Park wer enterit and execute to the deathe, yit will every ane of thame, severalie eftir ane uther, be burdynit with the said bill, ay and quhill it be payit."—Hew Rid of Thridparte, Alexander Dalzell in Robertoun, Robert Wilsoun in Cruikitstane, Thomas Thomesoun in Glenuquhar, Johnne M'Watt in Abintoun, Henry Achesoun in Over Newtoun, Johnne Ewart in Hairtup, and George Crawfurde, servant to James Sandelands, tutor of Calder, fellow-buyers of the said goods with the said Thomas Park, having been summoned, and Thomas Park appearing for himself and for his master, but the foresaid persons having failed to appear, the Lords decern them "to releiff the said Thomas Park, every ane of thame severalie of thair pairtis of the said bill *pro rata*, and to that effect to mak payment to him for his releiff *pro rata*," within ten days after the charge, under pain of rebellion. his danger: Order given to that effect.

Fol. 118, b. Margaret Erskin, Lady Pitcarne, having been charged by George, Earl Marshael, sheriff of Kincardinshire, and Robert Arbuthnott of Litle Futhiat, his depute, to produce before the Council the letters raised by her requiring them to poind, apprise and distrain so much of the goods belonging to Johnne Allirdes of that Ilk as would satisfy her for the dues to her of the crops of 1583 and 1585, in order that the said letters might be suspended, James Reid, as procurator for the said lady, protests that, in respect of the non-appearance of the sheriff or his depute to pursue, she shall not be held farther to answer in the said matter till again warned. Protest for the Lady Pitcairn admitted

Fol. 119, a. The protest is admitted; and, accordingly, it is ordained that her said letters shall be put to full execution in all points without longer delay.

Fol. 116, b. Letters raised by Roger Greirsoun of Lag set forth that, although he has already paid to Robert Maxwall, messenger, according to the charge given to him, as appears from his acquittance, the sum of 18 merks and 9s. for the taxation of his 21 merkland between the Waters and Dalskayith, £5 Edinburgh, 10th August. Suspension of letters of horning against Grierson of Lag.

land of Balquhair, £5 land of Auchinfrinko, and 20 merkland of Langfurde and Holme, extending in all to 56 merkland, yet the said Robert, "moved be sum personis, unfreindis to the said complenare," has again charged him to pay the said sum over again within a certain time, under the pain of rebellion, and for his alleged disobedience "hes . to caus denunce him rebell and putt him to the horne." As this is unjust, and as he has found caution for paying such other sums as shall be found due by him, he pleads that the said letters of horning should be suspended.—The said Robert, and Alexander Clark of Balbirny, collector of the said taxation, having been summoned, but not appearing, while the complainer appears by Johnne Haliday, his procurator, the Lords do suspend the said letters. Acta 1585–87 Fol. 117, a.

Caution for Henry Futhie and others.

Caution by Robert Guthrie of Kynblachmont for Henry Futhie in Bysaik in 1000 merks, and for Henry Futhie, younger, his son, and Johnne Futhie in Arbroth, either of them in £500, that Thomas Kyd at the Mylne of Bysaik, his tenants and servants, shall be harmless of the said persons.

Edinburgh, 11th August.

Sederunt—Ut in die predicto.

Mackenzie of Gairloch denounced rebel for not appearing to answer a charge of attack on the Master of Caithness and his servant in the Chanonry of Ross.

Complaint of James Sinclare, Master of Caithnes, and James Paxtoun, his servant, as follows:—While they were "in peceable and quiet maner," in March last, in the Channonry of Ross, within the house of Williame Robesoun, the following persons, viz.:—Johnne M°Kanzie of Garloch, Hector M°Kanzie in Farbairne, Mekle Johnne M°Kanzie, his son, Thomas M°Thomas M°keanyeochsoun, Donald M°kintagart, Mr Johnne M°Kanzie, son of Murdo M°Kanzie of Fairbarne, Mr Murdo M°Kanzie, parson of Lochkerroun, Duncane M°Kanzie, Johnne Beg M°Kanzeis son, Duncane M°Kculloch of Auchynnald, David Aytoun, master stabler to Coline M°Kanzie of Kintaill, Finla Roy, steward to the said Coline, Williame Barbour, burgess in the Channonry, with convocation of the lieges, to the number of 300 persons, "bodin in feir of weir," and hounded on by the said Johnne M°Kanzie of Garloch,—had "come to the said Williame Robesonis house, quhairin the saidis complenaris wer," and had, without any occasion of offence, "assegeit the said house and used all meanes and ingyne for apprehending of the said James Sinclare and his said servand." Further, "seing thay could not gudlie recover the said house," they "cryed for fyre, and had not faillit maist tressonablie to have rissin fyre within the same, wer not the said complenare delyverit the said James Paxtoun in thair handis; quhome thay immediatlie convoyed and led to the castell of Channonrie, pertening to the said Coline, and kepit and detenit him captive thairin the space of twa houris or thairby." After such detention of the said James, "thay grantit libertie to him to pas hame; and, the bettir to cloke thair cruell and unmercifull decree, quhilk oppinlie thay durst not putt to executioun, thay secreitlie houndit oute ane grite nowmer of throitcuttaris to have umbesett the said James way and to have bereft

Acta 1585–87. him of his lyffe; quhilk thay had not faillit to have done wer not God utherwayes preventit thair doingis." Moreover, "at that same tyme thay reft and awaytuke fra the saidis complenaris thair horssis, sadillis, and uther geir worth v^{c} merkis."—Johnne M^{c}Kanzie of Garloch, master and landlord of the foresaid persons, having been charged to appear personally and enter them this day "to have answerit and underlyne punishment for the premissis," according to the general band, but making no such appearance or entry, while the complainers appear personally, the Lords order the said M^{c}Kanzie of Garloch to be denounced rebel.

Fol. 117, b. Caution by Alexander Irwing of Drum, as principal, and Johnne Leslie of Boquhane, as surety for him, in £2000, and for Hary Irwing at the Mylns of Drum in £500, that Alexander Burnatt of Leyis, and Thomas Thome and Duncane Thome, his servants, shall be harmless of the said Alexander and Hary. Caution for Alexander Irvine of Drum.

Caution in £200 by Johnne Arthour, burgess of Abirdene, for Jonnett Huntar there, that Mr Thomas Leslie, burgess of Abirdene, shall be harmless of her. Caution for Jonet Hunter.

Caution in £2000 by Alexander Burnatt of Leyis, as principal, and Johnne, Master of Forbes, as surety for him, that Alexander Irwing of Drum and Hary Irwing at the Mylns of Drum shall be harmless of Burnatt. Edinburgh, 12th August. Caution for Burnett of Leys.

Fol. 119, a. As the King and Council "ar crediblie informit of divers grite disordouris and enormiteis laitlie fallin oute betuix the subjectis of baith the realmes at the Middle Marche, to the grite prejudice and disturbance of the peax, and to his Hienes mislykeing and miscontentment, quhairupoun greitare inconvenientis may fall oute, gif thair insolent disordouris sall not be spedelie redressit and the authouris and movaris thairof punist according to thair deservingis," therefore proclamation is ordered at the market crosses of Jedburgh, Hawik, Kelso, Duns, and other places needful, charging the lieges dwelling within the bounds of the East and Middle Marches "that nane of thame tak upoun hand to ryde in England in weirlike maner, or to rais fyre, mak depredationis, or committ slauchtar, reif, thift, or ressett thairof, upoun quhatsumevir personis, inhabitantis of the realme of England, upoun quhatsumevir cullour or pretens, undir the pane of deid, bot to stand at thair awne defens incais thay sal happin to be persewit or invadit within the boundis of this realme: certefeing thame that dois in the contrair the said pane of deid salbe execute upoun thame, and the skaithis and attemptatis to be committit salbe redressit with doublis, with all rigour, in example of uthiris."[1] Proclamation against incursions into England.

[1] This is the first open sign of reconciliation between James and Elizabeth after the execution of Queen Mary. It had been brought about, Spotswood says (pp. 365, 366), by a visit to James from Lord Hunsdon, governor of Berwick, soon after the rising of the late Scottish Parliament, James having received this nobleman "the more willingly because he of all the nobility of England had meddled least in the proceedings against his mother." The news from England of the sentence of the Star-Chamber on Secretary Davison had also, Spotswood says, contributed to the result. The Scottish Borderers had already, in anticipation of war, begun to make incursions nto England.

Falkland, 15th August. Prorogation of the decision to be given by the arbiters chosen in the feud between the Earl of Huntly and the Earl of Atholl.

David, Earl of Craufurde, Johnne, Earl of Montrois, Sir Johnne Maitland of Thirlstane, Chancellor, and Sir Lues Bellenden of Auchinoull, Justice Clerk, arbiters, chosen for deciding all questions betweeh George, Earl of Huntley, with certain of his friends on the one side, and Johnne, Earl of Athoill, and divers of his friends on the other side, having convened within the town of Falkland this day to the effect foresaid, "and the saidis jugeis notwithstanding being movit to superseid all proceding in the saidis mataris at this tyme,—pairtlie in respect of the greit and wechtines thairof, and pairtlie be ressoun of ane letter direct frome the said Johnne, Erll of Athole, to the said Erll of Huntley, craving that the same may be supersedit, in hoip that the same sould be uthirwayes composit amangis thameselffis, quhairunto the said Erll of Huntley not onlie consentit bot lykewayes craved that the saidis jugeis, according to that privilege gevin to thame be the said submissioun, wald prorogat thair delyverance in the saidis mataris unto sum certane day heireftir as thay thocht gude,"—the said judges accordingly prorogate the pronouncing of their deliverance till 1st November next. Intimation of this is to be made by open proclamation at the market crosses of Dunkeld, Cowpar, and other places needful. Acta 1585–87, Fol. 117, b.

Lord Hay of Yester and Stewart of Traquair charged to renew their mutual assurances.

The King and his Council understanding that, though the period for which the assurances were taken between Williame, Lord Hay of Yester, his kin and friends, on the one side, and Sir Johnne Stewart of Tracquair and his friends on the other side, is almost expired, yet the variance between the two parties has not been removed, it is therefore ordered, in the interest of the said parties, and for the "honnouris and contentmentis, ease and quietnes of the cuntrey," that officers of arms charge Lord Yester and Sir Johnne Stewart to renew, within 24 hours after charge, on pain of rebellion, the former assurances in all points till 2nd February next, "togidder with ane blank contening ane submissioun of the saidis differenceis to his Majestie upoun the bak thairof, quhairthrow travellis may be tane for removing of the same differenceis and satisfactioun of the pairty offendit unto afoir the expiring of the saidis assureanceis" (see *ante*, p. 186). Fol. 118, a.

Edinburgh, 17th August. Caution for M. Mawar.

Caution in 500 merks by David Dunbar of Durris for Michaell Maware, portioner of Urquhart, that he will not harm Thomas Achesoun, master cunyeor, or Margaret Fraser, his spouse.

Caution for James Ritchie.

Caution in £200 by Mathew Stewart of Barscube for James Richie in Barcloch, that he will not harm Agnes Tinklare in Barphillane, or Johnne Hendirsoun, her son.

Edinburgh, 18th August. Protest for George Gordon.

George Gordoun of Candidyew having been charged to answer to a complaint by Alexander Maxwall of Balgredane, "tuicheing his allegeit cuming to the landis of Balgredane" upon 2nd August 1586, under cloud of night, "and steilling and awaytaking furth of the same of sax auld oxin," Robert Sinclair, writer, appears as procurator for the accused, and, in respect that Maxwall had not appeared to prosecute, protests that the

Acta 1585–87. said George shall not be held farther to answer, at least till newly warned. The protestation is admitted.

Edinburgh, 19th August. Charge to certain Borderers to enter certain of their tenants.

The following masters or landlords are charged to appear personally, and also to enter the persons under written, their men, before the Council at Dalkeith on 26th August instant, "to undirly sic ordour as salbe imputt to thame for gude reule and quietnes to be observit upoun the Bordouris heireftir, undir the pane of rebellioun": Francis, Earl Bothuill —James Ker of Corbett; Andro Ker of Fairnyhirst—James Hall of Newbigging, Raulff Robesoun in Houstoun, and Raulff Anyslie of Thiksyde, his tenants; Andro Ruthirfurde of Hundeley—Jamie Davidsoun of Birnyrig, his tenant; Robert Frasar of Ovirtoun—Williame Frasar, his son.

Edinburgh, 21st August. Caution for John Leslie.

Caution in £100 by Johnne Leslie of Boquhane for Johnne Leslie, son of the late James Leslie, burgess of Abirdene, that he shall answer before the Council upon 1st September to a complaint made against him by Mr Thomas Leslie, his brother (see *ante*, p. 203).

Fol. 118, b. Edinburgh, 25th August. Caution for James Symonton and Michael Lindsay.

Caution in 500 merks by James Liddell of Maalslie for James Symontoun of Howpburne, that Mr Samuel Cokburne, and George Grynislaw, his servant, shall be harmless of him,—Walter Runsyman, notary public, subscribing for Liddell and Symontoun, who cannot write. Caution to the same effect and in a like sum by Johnne Borthuik of Glengelt for Michael Lindsay of Esperstoun.

Band for David Forrett of that Ilk.

Band, executed at Sanctandrois and Fingask, 24th August, and witnessed by Thomas Cunynghame, Johnne Bower, Williame Hill, and Thomas Paty, registered by James Kay, writer, as procurator for the parties, containing caution in £1000 by Johnne Forrett of Fingask, and David Watsoun, citizen of Sanctandrois, for David Forrett of that Ilk, that he will not harm Mr Thomas Douglas, minister at Logy.

Edinburgh, 1st Sept. Band for Thomas Meggat.

Registration, by Mr John Leirmonth, advocate, as procurator for George Cranstoun of Corsby, of a band, executed at Corsby, 27th August, and witnessed by Williame Huntare, Gilbert Cranstoun, Johnne Philp, Symon Pringle, containing caution in 500 merks by Thomas Meggatt, portioner of Outherstoun, as principal, and George Cranstoun of Corsby, as surety, that Mr Samuel Cokburne, and George Grynlaw, his servant, shall be harmless of the said Thomas.

Edinburgh, 2d Sept. Caution for John McDougall.

Caution in £1000 by Donald Campbell of Drouchy for Johnne M^{c}ewin Vicpriour (V^{c}Dougall) of Barnacharrauch, that he will not harm Duncane M^{c}kdougall, fiar of Dunnoldycht.

Fol. 119, b. Edinburgh, 3d Sept.

As the King and Council understand "that sum proude and presumptuous

Order against raising bands of men of war for foreign service.

personis, his Hienes liegis, intendis, without pouer or commissioun frome his Majestie, to rais certane bandis of men of weare, and with thame ather to depairt furth of the cuntrey for persute of the subjectis of uthiris personis, freindis and confederatis of this realme, pilleing of thair guidis be way of pirracie, and swa to do quhat in thame lyis to bring on a weare with thame with quhome his Majestie standis presentlie, and is myndit to continew, in gude freindship, or than to assist sum subjectis of this realme in thair particular querrellis aganis uthiris, to the rasing and intertenying of civile seditioun, insurrectioun and uproare within the cuntrey, and bringing on of mony inconvenientis, gif tymous remeid be nocht providit," therefore proclamation is ordered at the market crosses of the head burghs, forbidding any one "to rais ony bandis of men of weare, or to putt thameselffis in armes, ather ressave wageis as men of weare, or inroll thameselffis undir capitanes and commandaris, or to departe furth of the cuntrey, at the desire, sute and perswasioun of ony persoun, without his Hienes licence subscryvit and past be his Majestie and his Counsall, and undir his Hienes signet obtenit to that effect, and that the same licence contene a speciall caus tending to the advancement of his Majesteis service and commounweill of the cuntrey, and not upoun ony generall caussis, or to assist or tak parte ane with ane uther to the troubling of the gude and quyet estate of the cuntrey, stryke drummis or use ony weirlike provisioun to that effect, undir the pane of deid." Skippers and mariners are discharged from exporting "ony of the saidis men of weare," under the said penalty of death and confiscation of their ships; and sheriffs, stewards, provosts and bailies of burghs are not to suffer men of war to be raised within their bounds, or any drums to be struck to that effect, and are commanded to apprehend contraveners, and hold them in "sure firmance and captivitie, notifeand thair names to his Majestie, to the effect the pane and punishment foirsaid may be execute upoun thame with all rigour and extremitie." Acta 1585–87.

Edinburgh, 4th Sept. Caution for Patrick Leslie.

Caution in £100 by Thomas Dempstar of Auchtirles for Patrick Leslie, son of James Leslie, burgess of Abirdene, that he shall answer before the Council upon 1st November to a complaint made against him by Mr Thomas Leslie, his brother,—Johnne Leslie, brother of the said Patrik, becoming cautioner in relief (see *ante*, p. 203).

Glasgow, 8th Sept. Caution for Livingston of Jerviswood.

Caution in £1000 by Williame Levingstoun of Jerveswode, as principal, and Allane Lokhart of Cleghorne, as surety, that the burgesses and inhabitants of Lanark shall be harmless of the said Williame.

Edinburgh, 13th Sept. Charge to Andrew Ker of Fernihirst.

Andro Ker of Fairnyhirst, having neither appeared himself nor entered certain of his tenants and servants in conformity with the charge given to him (*ante*, p. 210), is ordered into ward in Blaknes within three days after being charged, under pain of rebellion. Fol. 120, a.

Acta 1585-87.

Francis, Earl Bothuill, is charged to deliver James Ker of Corbatt, within the palace of Dalkeith, to Archibald, Earl of Angus, lieutenant over the Borders, within five days after the charge, under pain of rebellion. Charge to the Earl Bothwell.

Caution by Edward Maxwall of Tynwell for Johnne Ewart in Hairtup, that he shall relieve Thomas Park, tenant of the lands of Wysschaw, of his part of the bill pursued against the said Thomas by Thomas Forrestair, Englishman, and that the said Johnne shall make payment of the same to Thomas Park for his relief, in accordance with the letters executed against the said Johnne (*ante*, p. 206), in case it shall be found that he ought to do so. The said letters are therefore suspended till 31st October next, and Thomas Park and Johnne Lindsay of Arneskeoch are ordered to be warned "to the xxiiii day of the same moneth." Edinburgh, 14th Sept. Caution for John Ewart.

Sederunt—Thirlstane, Cancellarius; Huntley; Marschaell; Thesaurarius; Episcopus Sanctiandree; Culrois; Blantyre; Clericus Justiciarie; Computorum Rotulator; Coldenknowis. Falkland, 16th Sept.

Complaint of Dame Agnes Sinclare, Countess of Erroll, as follows:—While, in October last, she was living quietly in the place of Inchestuthill, Coline Campbell of Glenlyoun, with convocation of men "bodin in feir of weir" to the number of one hundred, "come to the said place undir cloude and silence of nycht; and, eftir thay had assegeit the same ane certane space, thay tressonablie rased fyre at the yettis thairof, quhairthrow sho wes constraned, for feir of the furie of fyre and preservatioun of hir awne lyff, to cum furth; at quhilk tyme the said Coline Campbell and his complices putt violent handis in the said complenare, revissid hir, and led hir as captive and prisonare with thame the space of twelff myllis, off intentioun to have used hir according to his filthy appetyte and lust, or utherwayes to have used sum extremitie aganis hir; and had not faillit swa to have done, wer not be the providence of God sho wes delyverit and fred of him be the Erll of Athole and his servands. Lyke as at that same tyme thay cruellie hurte and woundit Alexander Hay, hir servand, with ane swerd, upoun the hand, and Johnne Mernis, ane uther of hir servands, with ane arrow upoun the face."—The Countess of Erroll appearing by Johnne Bissett, her servant and procurator, but Coline Campbell failing to appear, the Lords order him to be denounced rebel. To denounce Campbell of Glenlyon for not answering to a charge of assault on the Countess of Errol.

The King's letters raised by Johnne Monypenny, father, with the brother, remanent kin and friends, of the late Charlis Monypenny, and by Sir George Douglas of Helenehill, master of the said Charlis, set forth that Mr David Russell, citizen of Sanctandrois, and Williame and Henry Russell, his sons, accompanied by Andro Cairnis, "glasinwricht" in Sanctandrois, Henry Cairnis, his son, Patrik Schewis of Kembank, Robert Schewis, "his fader bruther," and Johnne Schewis, mariner, with convocation of the lieges to the number of 20 persons, "boidin in feir of weir," upon the 5th of September instant, "cruellie slew the said Order for the trial at St Andrews of persons accused of the slaughter of Charles Monypenny.

Fol. 120, b.

umquhile Charlis with the schote of ane lang gun: off the quhilkis personis the said Andro Cairnis and Henry his sone, slayaris of the said umquhile Charlis, wer takin with the bludy hand and than deliverit to Thomas Lentren, Mr David Auchmoutie, and Mr Williame Cok, baillies of the said citie, to have bene kepit be thame quhill thay had bene punist for the said slauchtar." But "the provest and baillies of the said citie hes, with avise of the counsall thairof, lattin the saidis Henry and Andro Cairnis, committaris of the said slauchtar, to libertie, off mynd that they sall eschew the punishment worthie thairfoir."—Patrik Leirmonth, provost, and Thomas Lentroun, Mr David Auchmowtie, Mr Williame Cok, and Henry Lawmont, bailies, of the said city, having been summoned to answer, the first three bailies, appearing personally, "allegeit that thay deliverit the saidis Andro and Henry Cairnis to the said Patrik Leirmonth, thair provest, as justice and stewart of the regalitie of Sanctandrois, with quhome thay presentlie remane; quhilk Leirmonth, sone to the said Patrik, being personalie present, confessit to be of veritie." Accordingly, the said provost, as justice and steward, is ordered to put Andro and Henry to the knowledge of an assize, upon such a day as the complainers shall ask to be appointed; and, in order that justice may be administered to the accused without partiality, Lundy of that Ilk, Balfour of that Ilk, Carnegy of Culluthy, David Balfour of Kirktoun, or any two of them, are appointed to be present with the said steward at the said day, "to giff thair advise and concurrence as appertenis,"—without whose presence and advice the said steward shall not proceed in the said matter. Acta 1585-87.

To denounce Mackenzie of Kintail.

Order to denounce Coline M^{c}Kanzie of Kintaill for his failure to appear, or to enter Johnne M^{c}Kanzie of Garloch and certain others, his accomplices, for whom the said Coline is liable as master and landlord, to answer to the complaint of James, Master of Caithnes, and James Paxtoun, his servant (see *ante*, p. 208). Fol. 121, a.

John Wallace of Burnbank against Harry Stewart and others.

Complaint of Johnne Wallace of Burnebank, as follows:—James Stewart of Sanquhar, Dame Elizabeth Stewart, Lady Lovatt, his spouse, and James Stewart, their son and apparent heir, had been, at the complainer's instance, put to the horn for having disobeyed a decree obtained by him before the Lords of Council and Session, with letters in the four forms, charging the said persons to remove from his tower, fortalice, and manor place of Newtoun, *alias* Sanquhar Hammiltoun, beside the burgh of Air. "Sen the using of the quhilk horning, thay have purchest ane suspensioun of the saids letters, and obtenit thameselffis relaxt fra the said proces of horne led upoun thame upoun cautioun fundin be thame for thair removing," and in the meantime "hes causit Hary Stewart, bruther to the said James, intruse thameselffis in the same toure and fortalice, thinking thairby that all forder executioun aganis thame for deliverie thairof shall ceis, and that the said complenare salbe forceit to enter in new persute with the said Hary for succeding in thair vice."—The said Hary Stewart, David Rid of Thridpart, George Logane, younger, of Brome-

Acta 1585–87. hill, Daniel Strang, tailor, James Duncane, Johnne M^{c}dull, Allastar Stewart, and Johnne Spens, keepers of the said place, having been charged to deliver the same to the complainer within six hours, under pain of rebellion, or else to show cause before the Council to the contrary, and Johnne Wallace appearing by William Wallace, his brother, and the said Hary Stewart appearing personally, but the other persons cited failing to appear, the Lords ordain them once more to render the said place to Wallace within six hours after charge, under the said penalty.

Suspension of letters of horning against the Master of Eglinton for not delivering the tower and fortalice of Robertland to John, Lord Hamilton.

King's letters set forth that Johnne, Lord Hammiltoun, alleging himself to have been made assignee by James Shaw of Sauquhy to the gift of the liferent escheat of David Cunynghame of Robertland, has obtained letters charging Robert, Master of Eglintoun, Robert and Archibald Montgomereis, and certain others, his servants, to deliver the tower and fortalice of Robertland to Lord Hammiltoun within 12 hours after the charge, under pain of rebellion, "and for allegeit non-obedience thairof hes, or at leist intendis, to caus putt thame thairto maist wranguslie, considering the saidis letters ar maist sinisterlie purchest, aganis all law, equitie or justice observit within this realme, upoun the said Robert, Maister of Eglintoun, and his servands, *tacita et suppressa veritate*, thay nevir being summond, warnit or chargeit to answer." Further, the said tower and fortalice was granted not only by a special command of his Majesty, but also by a decree of the Privy Council, to the Master of Eglintoun, who was allowed a certain sum of money monthly for supporting men for the keeping of the same as long as David Cuninghame remained at the horn for the treasonable and
Fol. 121, b. cruel murder of the late Hew, Earl of Eglintoun (*ante*, p. 68, footnote, and p. 95). In these circumstances no such letters should have been directed, "specialie seing the assignatioun foirsaid of the said Davidis lyfrent tendis altogidder to the weill, proffite and commoditie of him, his wyfe and bairnis, quhilk meritis rather his Hienes punishment nor proffite for his demerits, the cryme foirsaid being sa detestable and notorious, nochtwithstanding the same gift of eschete be maist fraudfullie and cullouritlie assignit and transferrit in the persoun of the said Johnne, Lord Hammiltoun." Accordingly, the prayer is that the said letters against the Master of Eglintoun shall be suspended simpliciter.—Johnne, Lord Hammiltoun, having failed to appear, the Lords do suspend the letters meanwhile.

Caution for William Pearson and others.

Caution by Sir Johnne Murray of Tullibardin for Williame Peirsoun in Borland, Williame Peirsoun in Claw, Walter Peirsoun in Quhytehill, Thomas Peirsoun in Eirnysyde, Williame Peirsoun, his son, there, and Adam Peirsoun in Borland, in 500 merks each, that Alexander Menteith in Campbell, his tenants and servants, shall be harmless of them.

Edinburgh, 18th Sept. Caution for Stewart of Barskimming.

Caution in 1000 merks by Captain Thomas Craufurde of Jordanehill for Hary Stewart of Barskemyng, and George Logane, his servant, that they shall leave the place and castle of Newtoun "void and red," and that, if in possession at any time hereafter, they shall deliver the same upon requisition.—(See *ante*, p. 214.)

Edinburgh, 20th Sept.

Sederunt—Cancellarius; Bothuile; Blantyre; Newbottle; Culrois; Clericus Justiciarie; Coldenknowis; Lynclowden, Collector. Acta 1585-87.

Protest for Orme Aitkin in the matter of a ship claimed by the comptroller as confiscated.

Orme Aitkin in Brame, having been charged by Sir Johnne Setoun of Barnis, comptroller, great customar, and general searcher of this realm, to appear before the Council upon this day "to heir and see ordour tane anent the schip and guidis quhilkis wer tane and confiscat be certane personis depute commissionaris be the said comptrollare, for allegeit contraventioun of ane Act of Parliament inhibiting strangearis fra bying of hering or fishe except . . and at frie portis fra merchands" (1573, c. 7, iii. 83), now appears in conformity with the said charge; but, in respect the said Sir Johnne has not appeared to pursue him, he protests that he shall not be held to answer farther till again warned, and that full effect shall be given to the letters raised by him against the detainers of the said ship. The protestation is admitted, because also Mr Robert Cheyne of Ugarie has became cautioner for him that he shall make the said ship, called the "Fleand Draik of Brame," forthcoming to the said comptroller "as law will." Fol. 122, a.

Caution for Orme Aitkin.

Edinburgh, 22nd Sept. Rowland Hagthirpin, Englishman, against Thomas Davidson and James Forrester, in the matter of two fishing vessels seized by them.

Complaint by Rolland Hagthirpin in Tynmoir Scheillis, for himself and the other owners of the two ships called the "Tuswa" and "Elizabeth," of Scheillis, as follows:—In the month of last, "thay being cuming frome the eister seyis with thair saids schippis, laidnit with grene fishe, toward England, lippynning for na thing les than ony reiff, piracie, or hurte of the subjectis of this realme, in respect of the amytie and freindship as yit standing betwix the twa cuntreyis," nevertheless, "Thomas Davidsoun, induellare in Craill, umbesett the saidis complenaris in thair dew course towardis the said realme of England, intromettit with thair schippis and guidis, and hes brocht the same within this cuntrey, intending to mak the same schip and guidis as lauchfull pray to him: albeit it be of veritie that thair fischeis within the saidis schippis wer gottin upoun the mayne sey, outwith his Majesteis watteris and dominionis, quhair not onlie thay, bot the subjectis of all utheris princeis, hes had ane continuall trade and fisheing in all tyme bigane, past memoir of man. And, gevand the same fisheis had bene gottin in his Majesteis watteris, yit, in respect of the continuall trade quhilk all strangearis hes had thair in all tyme bigane, thair being na inhibitioun maid nor publissit in the contrair as yit, na sic preparative nor novaltie aucht to have bene usit upoun thame."—James Forrestar in Pittinweyme, who had assisted Thomas Davidsoun in taking the said ships, having been cited, appears for himself and his said colleague; and, Rolland being also present, the Lords ordain the said Thomas and James to restore to the complainer the two ships, with their goods, within 24 hours after being charged, under pain of rebellion: the said Rolland having found James Forrestair, burgess of Pittenweyme, cautioner that the said two ships, now lying in Ilay, shall be made forthcoming to Sir Johnne Setoun, comptroller,

Caution for the said Rowland Haigthirp.

Acta 1585-87. "as law will." Further, the said Thomas and James are assoilzied from all action, criminal or civil, competent to the said Rannald against them in the matter of the said ships.

Band for George Dunbar and others.

Fol. 122, b. Registration, by James Spens of Overmandenis, and Mr James Johnnestoun, burgess of Edinburgh, of a band executed at Edinburgh, 22nd September, before Johnne Andirsoun, David Andro, and James Prymrois, containing caution by the said Spens and Johnnestoun for George Dunbar of Aslesk in 1000 merks, and for Alexander Dunbar, his son, in £500, that Patrik Dunbar of Blarie, Mr James Dundas, chanter of Murray, Walter Watsoun, servant to the said Patrik, Johnne Grig, servant to the said Mr James, and Johnne Dundas, servant to Walter, Abbot of Kinlos, shall be harmless of the said father and son,—the said Spens, and Mr Thomas Craig, advocate, becoming bound to relieve the said Johnnestoun in the premisses.

Edinburgh, 26th Sept. Registration of caution for John Maxwell and Matthew Carruthers.

Registration of a band, executed at Drumfreis, 11th September, before Mr Thomas Maxwall, vicar of Drumfreis, Williame Maxwall, brother of Johnne Maxwall in Logane, Homer Greir, and George Redik, containing caution by Williame, Lord Hereis, for Johnne Maxwall in Lagane in £2000, and for Mathow Carrutheris, his servant, in £500, that George Gordoun of Candidyew shall be harmless of them.

Edinburgh, 6th Oct. Macdougall and Campbell denounced.

Allane M°Kdougall of Ragary and Duncane Campbell, having failed to appear as charged to answer inquiries, are to be denounced rebels.

Edinburgh, 10th Oct. Caution for Hamilton, apparent of Preston.

Fol. 123, a. Caution in £5000 merks by Mr Johnne Cockburne of Ormestoun for Johnne Hammiltoun, apparent of Prestoun, that he shall answer before the Council upon 10th November next to the complaint of Abacuke Bissett, writer to his Majesty's Signet (*ante*, p. 204); who, with David M°kgill of Nesbitt, King's advocate, and Mark, Commendator of Newbottle, conservator of the privileges of the College of Justice, is to be warned to the 6th of the said month.

Holyroodhouse, 11th Oct. Proclamation of a High Court of Justiciary to be held in his Majesty's own presence, for trial of great crimes all over the realm.

Preamble runs:—"Forsamekle as ydolatrie and mantenance thairof, murthour, slauchtar, fyre-raising, and mony utheris heich offenssis, hes laitlie swa aboundit in all quartars of this realme, to the greif of our Soverane Lord and grite harme of his gude subjectis, the caus quhairof for the maist pairt hes stand in relenting of the executioun of justice upoun the offendaris, the miserable complaintis of mony and his Majesteis awne dewitie hes moved his Hienis to considder of a spedy remeid in that mater." Therefore the King, with advice of his Council, "hes affixt his Majesteis hie courte of justiciarie to be haldin and begun in the tolbuith of Edinburgh the xxvii day of November nixt to cum, quhair his Hienes meanis, God willing, to hald hand to justice for punishment of sic offenssis as salbe then tryit; and, to that effect, his Majestie intendis to be present in his awne persoun in the tryale and punishment of sic enormiteis as cravis maist spedy

reformatioun: thay ar to say, murthour, slauchtar, fyre-rasing, revessing of wemen, mutilatioun, demembering, schuiting with hacquebutis and pistollettis aganis the Actis of Parliament and Secrete Counsall, umbesetting of hie wayes and passageis for murthour and slauchtar, ressetting, ressaving and suppleing of committaris of slauchtar and murthour and personis denunceit rebellis and putt to the horne thairfoir, thift, commoun ressett of thift, inputting and outputting of thevis, incest, adulterie, heiring and saying of messis, ressaving and mantening of Jesuitis, excommunicat personis, and ressaving of thame, hocheing, goring and slaying of horssis, oxin and cattell be way of oppressioun, breking and distroying of plewis and pleuchgraith and uthirs grite oppressionis, negligence of sheriffis and uthiris commandit to tak and apprehend trespassouris to be presentit to the Justice, officiaris of armes that abuses or neglectis thair officeis, soirning, deforcementis of officiaris, forgeing, inbringing and outputting of fals cunyie, witchecraft or seikaris of responssis or help at witcheis, caryaris of forbiddin guids furth of the realme, convocationis, and the wicked and counterfute theveis and lymmaris calling thame selffs Egiptianis. Upoun quhilk crymes and offenssis his Majestie meanis allanerlie to proceid in the said justice Courte, leavand the utheris crymes to the justice airis and particular dyetis as they salbe heireftir appointit. To the quhilk justice courte, appointit and to be haldin at the said burgh of Edinburgh the said xxvii day of November nixt to cum, with continwation of dayes, oure said Soverane Lord ordanis all and sindrie personis quhilkis salbe lauchfullie atteicheit be thair crownaris, but ony uther speciall summondis, or quhilkis salbe summond be his Hienes letters, to compeir, quhairevir thay dwell within this realme, alsweill regalitie as ryaltie in this ordour":—that is to say, beginning at the shire of Lynlythgow upon 27th and 28th November next; the shire of Edinburgh principal, 30th November and 1st December next; the sheriffdom of Edinburgh within the constabulary of Hadingtoun, 4th and 5th December next; shire of Beruik, 7th, 8th, and 9th December next; shire of Selkirk, 15th December next; shire of Roxburgh, 11th, 12th, and 13th December; shire of Peblis, 16th December; shire of Lanark, 18th, 19th, and 20th December; shire of Drumfreis, with the stewartries of Kirkcudbrycht and Annanderdale, 21st, 22nd, and 23rd December; shire of Wigtoun, 25th and 26th December; shire of Air, with the bailiaries of Kyle, Carrik, and Cunynghame, 28th, 29th, and 30th December; shire of Renfrew, 1st and 2nd January; shires of Ergyle, Tarbart, and Bute, 3rd and 4th January; shire of Dunbartane, 5th and 6th January; shires of Striviling and Clakmannane, 8th, 9th, and 10th January; shires of Fyffe and Kinros, 11th, 12th, and 13th January; shire of Perth, with the stewartries of Stratherne and Menteith, 15th, 16th, 17th, 18th, and 19th January; shire of Forfare, 22nd, 23rd [24th], and 25th January; shire of Kincardine, 26th and 27th January; shire of Abirdene, 29th, 30th, and 31st January, and 1st and 2nd February; shire of Banff, . and 7th February; shire of Elgin and Fores, . and 10th of February; shire of

Acta 1585-87.

Acta 1585-87. Narne, 12th February; shires of Invernes and Cromartie, 13th . . . . shire of Orkney 19th, 20th, and 21st, . .

Fol. 123, b. "spedy executioun of justice, oure said Soverane Lord declairis that all maner of persoun or personis indytit or delait for the saidis crymes salbe replegeit fra the said courte of hie justiciarie to the previlege of quhatsumevir regalitie, in respect of the necessitie of justice at this present but delay, bot prejudice alwayes of the escheitis of courte, unlawis and casualiteis of the Lords and heritable baillies of regalitie, quhilk his Hienes myndis not to impair. And forder, to the effect that the saidis offenssis particularlie abonespecifeit may ressave a full tryale in his Majesteis awne presence, and thaireftir be punist according to thair merite, his Hienes will that na replegiatioun be lieutennentis be admittit for ony of the crymes abonespecifeit till the fyftene day of Marche nixt to cum, and that all inferiour justices, lordis of regaliteis and justiceis be speciall commissioun, ceis frome all proceding upoun the same crymes quhill the the same day." Proclamation accordingly is ordered at the market crosses of Edinburgh, Lynlythgow, Hadingtoun, Duns, Roxburgh, and other places needful, "certefeing all and sindrie his Majesteis liegis quha hes ony pairtie to persew for the saidis crymes and offenssis particularlie abonespecifeit, that thay gif informatioun and indytement of the same to the Justice Clark and his deputis within fyftene dayis nixt eftir the publicatioun heirof at the mercat croce of the heid burgh of the shyre quhair thay duell, to the effect his Majestie may proceid and do justice in the saids materis as accordis."

Holyrood-house, 11th Oct. Vans of Barnbarroch and Mr Peter Young exonerated for their proceedings in Denmark.

In presence of the King and his Council Mr Patrik Vans of Bernbarrauch, one of the senators of the College of Justice, and Mr Petir Young of Seytoun, his majesty's master "almoussare," having explained their negotiation with the King of Denmark and his Council, according to the instructions sent with them, the King, with advice of his Council, declares that they "have trewlie, honnestlie, and diligentlie performed and dischargeit the charge and devoir committit to thair credite." The King and Council, accordingly, have "exonerit thame thairof, and ordanit ane act to be maid of thair said declaratioun, *ad perpetuam rei memoriam*."[1]

Act anent the disposition of gifts of escheats of rebels and convicts.

The King and Council understanding that the escheats of persons denounced rebels, and other escheats falling into the King's hands, are frequently disponed to the said rebels or to some others for their behoof, it is

[1] The two ambassadors had been absent on their Danish mission a good while, Mr Peter Young for the second time (*ante*, p. 113 and footnote). Acts of bounty to both, in recognition of their services, had been passed in the recent Parliament (see Acts iii. 491, 492). That in favour of Mr Peter Young is long and detailed. He was now Mr Peter Young of Seton, a better pensioned man than his great colleague in the preceptorship to the King, George Buchanan, had ever been. M'Crie ("Life of Melville" i. 255–257) represents Young as a man of "cool and calculating prudence," who, while maintaining the utmost show of respect for Buchanan while he lived, had done much to counteract Buchanan's influence in the education of the young King, "by flattering the vanity of his pupil, humouring his follies, and conniving at those faults which he ought to have corrected." He had been a Privy Councillor for a while before (*ante*, p. 113), but was not such at the present moment.

ordained, for remedy, that the escheats of persons "convict be ane assyse, becum in will, fugitive fra the law, or at the horne for quhatsumevir caus, cryme or offence," shall be wholly intromitted with by the Treasurer for the King's own proper use and not disponed to any other person. Further, the King promises to grant no gifts of the said escheats, and the Treasurer is discharged from passing of the said escheats even although the gifts thereof should be subscribed by his Highness. Also, it is ordained "that quhatsumevir houssis and fortaliceis of the saids rebellis quhilkis being chargeit salbe refusit to be randerit salbe persewit and assegeit and, being recoverit, salbe, in signne of thair rebellioun and dissobedience, dimolissit and cassin doun to the ground; for the bettir executioun quhairof his Majestie will assist be his awne propir persone, giff neid be." Acta 1585–87.

Holyrood-house, 13th Oct. Act in favour of Thomas Acheson, his Majesty's master-cunyeor, and other officers of the cunyie-house.

"Forsameikle as, albeit it be specialie providit in the contract maid betuix the Kingis Majestie, with avise of his Hienes Thesaurair and Thesaurair depute, on the ane part, and Thomas Achesoun, his Majesteis master cunyeour, on the uthir parte, that the said Thomas suld not be dischargeit of workeing and cunyeing of . . . peceis bot upoun the premonitioun of xl dayis, yit upoun co . . . and prejudice quhilk his Hienes and his liegis sustenit . . . allayed and base money current within this realme . . . be the lait Act of Parliament for ordour taking with . . . uthir new money for his Majesteis bettir . . . of all forder working and labouring of the said . . . . Majesteis proffite and conditioun conten . . . .

Acta 1585–87.

John Wallace of Craigie against James Stewart, late Chancellor, and his wife: Private letters of the King in their favour found to have been illegally given, and therefore null.

of law he had obtained divers decrees against James Stewart, late Chancellor, and Dame Elizabeth Stewart, Countess of Lovatt, his spouse; and, for fulfilling of the same, he has executed letters, so that nothing remains for him but to use horning. He is informed, however, that the late Chancellor and his spouse "hes maist previlie and craftelie purchest ane letter, undir his Hienes subscriptioun allanarlie, in August bigane a yeir or thairby," without advice of his Council, relaxing them from all hornings preceding that time; "be the quhilk letter, yit wantand dait and signett, the said James and his said spous, on thair maner, ussis relaxatioun quhensoevir thay ar lauchfullie and ordourlie denunceit to the horne, and intends, as the said complenare is surelie informed, to use the same letter aganis his decreitis and letters to be execute thairupoun, thinking thairby to mak the same ineffectuall, at the leist to stay the executioun thairof and to protract tyme quhill thai may find sum commoditie uthirwayes to trouble the said complenare."—James Stewart and his spouse, and Nicolas Sheirare, messenger, executioner of the said privy letter, having been warned to answer, and Johnne Wallace appearing by Williame Wallace, his servant and procurator, and the said James and his spouse by Robert Campbell, messenger, their procurator, the latter procurator produces a testimonial, subscribed by the provost, bailies, and minister of Air, certifying "the present disease and inhabilitie" of the said Nicolas Sheirare, and also three letters subscribed by the King, without the signet or subscription of any of his Officers of State: one dated 21st July, *anno regni* 20, discharging officers of arms from denouncing the said James to the horn, notwithstanding any decrees or letters obtained to the contrary by Johnne, Lord Hammiltoun, or Claud, Commendator of Paislay, with a command to relax him from all hornings; the second, dated at Striviling, 22nd August last, containing a protection to him and his spouse, their bairns and goods, also with a command to relax him from all hornings executed or to be executed against him; and the third dated 17th September last, containing also a command to the said Nicolas to relax the said James and his spouse, and certain of their servants, from all process of horning. The Lords, after consideration of these letters, find that they have been "wranguslie, inordourlie and previlie" obtained by the defenders, without the advice of the Council and without the subscription of the proper officers, "to the hinderance of justice" and contrary to the Acts of Parliament and Council, and therefore that they are null and void, and have been so from the beginning.[1]

Fol. 124, b.

Holyroodhouse, 18th Oct. Proclamation for a muster at Peebles for service on the Borders.

His Majesty considering "the disordourit and mischevous trade of the thevis and brokin men inhabiting the cuntreyis ewest the Bordouris, still bent to continew in murthour, slauchtar, reiff, thift, and oppressioun," it is ordered that the fencibles within the bounds of Fyffe, Kinros,

[1] The facts recited in this order illustrate the continued leaning of the King in secret towards his old favourite, Arran. Since the time when we found Arran feeling his way back to his Majesty's presence (*ante*, p. 157), there had been pretty constant communication between them.

Clackmannane, Striviling, Lynlythgow, Edinburgh principal and within the constabulary of Hadingtoun, Beruik, Roxburgh, Selkirk, Peblis, shall meet the King at Peblis, with 30 days' provision, upon 1st November next, for repressing and reducing the said thieves and disorderly subjects, "undir the pane of tinsall of lyff, lands and guids." Acta 1585-87

Proclamation of a muster at Dumfries for service on the Borders.

Letters are ordered to the same effect, charging the fencibles within the shires of Lanark, Renfrew, Air, Wigtoun, and Drumfreis, and stewartries of Kirkcudbrycht and Annanderdale, to meet the King or his lieutenant at Drumfreis, with 30 days' provision, upon 1st November next.

Holyrood-house, 20th Oct.

Act in favour of the burgh of Ayr, in consequence of a promise by the burgh of a loan of 1000 merks to the King for a present necessity.

The provost, bailies and council of the burgh of Air, in token of their "gude willis and affectionat myndis" towards the King, have, at his special request, "nochtwithstanding thair present povirtie," promised to lend him 1000 merks, delivering the same before the last day of November next to Johnne Jamesoun, burgess of Air, or James Nicoll, burgess of Edinburgh, for relief of George Carkettle of , Mr Johnne Layng, and Robert Stewart, macer, sureties for payment of the said sum disbursed in an action "concerning his Majesteis selff that mycht ressave na delay." Also, the said Magistrates and Council have become bound to deliver to these sureties by the same day a sufficient discharge of their said obligation. His Majesty therefore, "acknowledgeing the singular guid willis of the saidis provest, baillies and counsall in this behalff, and willing (besydis his Hienes rememberance to bestow upoun thame thairfoir as occasioun thairto may be offerrit) to see thame satisfeit and payit of the said sowme howsone convenientlie may be," ordains the said sum to be deducted *pro rata* from the share of the said burgh of the first taxation which shall be imposed on the whole burghs of this realm; and, should the burghs be hereafter required to lend to his Majesty, it is provided that the burgh of Air shall be exempted from contributing, in respect of their having furnished the sum foresaid. The King's officers, accordingly, are discharged from craving from the said burgh any part of said taxation of the burghs or future loans from them, till the 1000 merks shall be allowed to the said provost, bailies, and council. Fol. 125, a.

Casualties falling to the King within the West Wardenry to be disponed to the Lord Herries as warden.

His Majesty, with advice of his Council, and of Mr Thomas Lyoun of Balduky, Master of Glammis, Treasurer, and Sir Robert Melvill of Murdocarny, Treasurer-depute, has resolved that the wards, reliefs, marriages, nonentries of lands, escheats and other casualties falling in the King's hands within the West Wardenry, shall be disponed only to Williame, Lord Hereis, warden of the said bounds, for reasonable composition, to be allowed to him for his fee and the wages of certain horsemen kept for the better discharge of the said office; and in the meantime the said warden is ordained to intromit with the houses and fortalices of persons denounced to the horn within the West Wardenry, keeping the same at the expenses of such persons while they continue rebels, and also to arrest the goods of such persons, and make inventory of the same, —returning, however, the inventory to the Treasurer, "to the effect the

Acta 1585-87. same may be componit for, and thaireftir the said Wardane to have intromissioun thairwith as effeiris."

Caution in £200 by Harbart Maxwall, burgess of Drumfreis, for Harbart Maxwall of Kirkmaho, that he shall answer before the King and Council upon 4th December next to a complaint of Robert Raa in Dalscone,— Robert Gairdnare, notary public, subscribing for both the Harbarts, "becaus we can not write ourselffs" (see *ante*, p. 206). Edinburgh, 21st Oct. Caution for Herbert Maxwell.

Registration, by Johnne Haliday, writer, as procurator for the parties, of a band executed at Perth, 23rd October, containing caution in 1000 merks by Johnne Narne of Mukkarsie for Thomas Allesoun of Lochtoun, that James Grant, David Robertsoun, Williame Robertsoun, Ronald Robertsoun, Patrik Robertsoun, his son, and Constantyne Scott, feuars and occupiers of the town and lands of Sherefdome, lying in the regality of Scone, within
Fol. 125, b. the shereffdom of Perth, shall be harmless of the said Thomas Allesoun.—The band is subscribed before these witnesses: Thomas and Archibald Narnes, sons of the said Johnne Narne, Gilbert Moresoun in Scone, James Mitchell, writer in Perth, Thomas Nicoll, notary, subscribing for Thomas Allesoun "becaus I can not write," and Thomas Gow, notary, acting as witness to the premisses. Edinburgh, 25th Oct. Band for Thomas Alison.

Caution in 500 merks by James Sinclare of Drydane for James Giffart, younger, of Shereffhall, that he shall deliver the castle of Shereffhall to Williame Porteous, messenger, in conformity with the letters executed by the said Williame against him at the instance of Jeane Hoppringle, spouse of James Giffart, elder, of Shereffhall, in case it shall be found that he ought. Caution for James Gifford.

Robert, Master of Eglintoun, and Alexander, Commendator of Kilwynning, having been appointed to be present at the "oist and army" which is to meet at Drumfreis upon 1st November next, the action raised by the said Master against the Commendator "anent the geving of ane assureance to him" is continued till 15th December next. Holyrood-house, 26th Oct. Master of Eglinton and Commendator of Kilwinning.

Caution by Sir Patrik Houstoun of that Ilk for Patrik and Mr Petir Houstonis, his sons, either of them in £500, that Johnne Shaw of Bargarran shall be harmless of them. Edinburgh, 27th Oct. Caution for Patrick and Mr Peter Houston.

Supplication of Archibald Fergussill, Thomas Wallace, Johnne Gy, Williame Quintene, Williame Campbell, George Jamesoun, Petir Cunynghame, George Kennedy, Adam Stewart, George Masoun, Robert Jamesoun, Johnne Jamesoun, David Ingrahame, Williame Fawlisdale, Henry Osburne, Patrik Richie, George Smyth, Williame Roger, George Davie, Johnne Mitchell, George Gothray, Williame Bell, Johnne Purvience, Adam Donald, Hew Girven, Gilbert M^c^calmoir, Johnne Hendirsoun, George Angus, George Hammiltoun, Williame Rysyde, and Johnne Rankene, burgesses of Air, as follows:—Sir Williame Stewart, son of Andro, Lord Stewart of Uchiltree, obtained lately two several letters under Inhabitants of Ayr against Sir William Stewart, in the matter of the loan of 1000 merks to the King, and also anent the provostship of the burgh.

the King's subscription and signet only, "the ane groundit upoun ane roll of certane personis quhome thay estemit to be maist substantious and best mycht len upoun securitie the sowme of ane thousand merkis to his Majestie according to his Hienes letter direct to that effect [*ante*, p. 222], and the uthir letter groundit upoun the honnestie, discretioun, jugement, gude will and affectionat mynd knawne be his Majestie to be in the persoun of the said Schir Williame, for the quhilk his Majestie maid chose of him to be thair . . . Quhilkis twa several letters the saidis complenaris wer chargeit . . . . sowmes of money allegeit imposit upoun thame and . . . . to the said Schir Williame or ony uthiris in his . . . . the same, bot als to have electit him thair . . . . ellis bipast; like as for thair allegeit dissobedience . . . . . be the said Schir Williames directioun hes . . . . . and . . . . . of samony of the inhabtitantis thairof as mycht best spair and advance the said sowme at the tyme foirsaid, upoun securitie to have bene fundin for redeliverie of the same agane,—yit be na law, act, letters, or uthir ordinance, ather maid be his Majestie or the saids complenars, wer they appointit to pay sic sowmes; nather lay it in the pouer of the saids magistratis to command thame; not yit wes it his Hienes mynd that swa suld be, or that ony extraordinare form of doing suld be usit aganis thame, bot that thay suld be gentlie delt with for the spairing of sic ane sowme for ane certene space upoun the foirsaid securitie; quhairunto without doubt with tyme thay wald have bene moved,—the saids magistratis staying thair travell to that effect onlie upoun returne of his Majesteis awne mynd and forme of securitie. And, in sa fer as thay ar chargeit, and the saids complenaris among the rest, to pay the sowmes severalie specifeit in the said roll, the saidis complenaris nor thay not being astrictit thairto, nor na promeis nor grant maid be thame of the payment thairof, the same appeiris to be direct aganis his Majesteis mynd, and the letters direct to the same effect ar purchest upoun sinister and wrang informatioun, cheiflie be ressoun thay want the subscriptioun of the ordinare officiar to quhome sic things propirlie appertenis, swa that, being privatlie past, outwith Counsall, aganis the Actis of Parliament, [they] ar null of thame selffs, and consequentlie all that followit thairupoun. Like as the saids letters, direct for electing of the said Schir Williame to be provest, being alswa past eftir the same forme and ordour, wer likwayes wrangouslie and inordourlie execute, be ressoun it is siclike of veritie that, befoir the tyme of the geving of the charge be vertew thairof, quhilk wes upoun the day of electioun of the saidis complenaris magistratis, the personis haveand vote in the said electioun had of befoir nominat and putt in lytes the names of sic personis as thay thocht maist meitt thairfoir, quhilk eftir the charge thay could not altar, in respect of thair liberteis and previlegeis, and auncient custome evir heirtofoir observit amangis thame, ratifeit and apprevit be the Actis of Parliament maid be his Majestie and his maist

Acta 1585-87.

Fol. 126, a.

Acta 1585-87. noble progenitouris. And, nochtwithstanding, trew it is that the said Archibald Fergussill not onlie votit in favouris of the said Schir Williame, bot, eftir he wes electit provest, disassentit to accept the charge thairof upoun him, as autentik instrumentis takin thairupoun schawne to the Lordis of Secrete Counsall proportis. Forder, amangis all the personis haveand vote in the said electioun, quhilk consistis in the nowmer of xxvii personis, thair was nane chargeit be the saids letters, except the saidis Johnne Gy and Williame Campbell, the saids Thomas Wallace and Williame Quintene having na thing ado thairwith."—The Lords, having considered this supplication, find that both the said letters had been "sinisterlie purchest and inordourlie past and direct without thair advise and subscriptioun of the said ordinare officiar," and therefore declare them to be null. They, accordingly, discharge all officers from intromitting with the complainers' goods by virtue of the said letters, and farther order the said complainers to be relaxed from the horning led against them.

Holyrood-house, 1st Nov. Certain Councillors to precede His Majesty to Peebles.

His Majesty having "thocht convenient to stay his awne ryding toward Peblis quhill Satterday nixt to cum, the fourte of November instant," yet, "that the dyetis appointit for presenting of the personis gevin in vallentyne and the plegeis salbe ressavit quhill his Majesteis awne cuming," it has been ordained that Johnne, Earl of Mar, with the Commendator of Newbottle, Master of Requests, the Laird of Coldenknowis, Captain of Edinburgh Castle, and the Clerk of Register, "all his Hienes Prevey Counsall," shall repair this day to Peblis, to "attend upoun the convening of the forceis" (*ante*, p. 221), and upon "all utheris thingis requisite aganis his Hienes awne [cuming] as said is." Intimation ordered at the market crosses of Edinburgh, Peblis, and other places needful.

Holyrood-house, 2nd Nov. The muster at Peebles "not extendit towardis commonis."

As it was not his Majesty's meaning that "the pure commonis and fermoraris of the ground" should be included in the proclamation for a muster at Peblis upon the 1st instant, although "mentioun be maid thairin of all personis in generall," but only that it should comprehend earls, lords, barons, feuars, freeholders and substantious gentlemen, inhabiting the several shires named in the said proclamation, publication to that effect is to be made at the market cross of Edinburgh.

Neidpath, 8th Nov.[1] Submission by Scott of Buccleuch and Tweedie of Drummelzier of their differences to arbitration: Assurance meanwhile.

Walter Scott of Branxholme, for himself and for his friends (except the Scotts in Ewisdale), on the one side, and James Tuedy of Drummelzeare, for himself and his friends on the other, having submitted all past actions and quarrels, criminal and civil, competent to either party against the other, to the amicable decision of the King and his Council, the arrangement is that both parties are to convene before the arbiters upon the 29th inst. and state their causes, to the effect the decree-arbitral may be pronounced by the 31st December next; and both parties now become

[1] The King and Council are now evidently in the neighbourhood of Peebles, as intimated by the entry before last.

bound to stand by the coming decree, without appeal or contradiction, and in the meantime assure each other against harm till the 1st March next, under pain of infamy. It is provided, however, that, if "ony persute be way of deid" shall be moved by Tuedy or any of his friends against the Scotts of Ewisdale, or *vice versa*, during the said time, the same shall not be accounted "brek of the same assureance be ather of the saidis pairteis." Acta 1585–87.

Edinburgh, 10th Nov. Band for Duncan Robertson and others.

Registration, by Mr Olipheir Colt, advocate, as procurator for the parties, of a band of caution by Johnne Ros of Cragy, for Duncane Robertsoun, Patrik Grant, David Grant, and Alexander Grant, burgesses of Perth, in £200 each, that Thomas Allesoun of Lochtoun, his wife, bairns, tenants and servants, shall be harmless of them. The band is executed at . . . and witnessed by Johnne Andersoun, Williame Chalmer, and James Sym,—Johnne Ros and Duncane Robertsoun subscribing with their own hands, but Alexander Robertsoun, notary, subscribing for the other parties, who cannot write. Fol. 127, a.

Band for James Grant and others.

Registration, by the same procurator, of a band, executed at Edinburgh, 9th November, and witnessed by David Grant, burgess of Perth, Robert Levingstoun and Robert Franche, in Cannogait, containing caution by Thomas Andersoun and Johnne Scott in Marlionis Wynd, burgesses of Edinburgh, for James Grant in the Shereftoun of Scone, David Robertsoun, Williame Robertsoun, Ronnald Robertsoun, Patrik Robertsoun, his son, and Constantine Scott, all residing there, in £200 each, that the above Allesoun shall be harmless of them,—Adam Schoir, notary public, subscribing for Johnne Scott, who cannot write.

Holyrood-house, 13th Nov.

Sederunt—Cancellarius; Mar; Pluscarden; Clericus Registri; Clericus Justiciarie; Coldenknowis; Collector Generalis; Barnbarrauch.

Dalmahoy of that Ilk against Sir Patrick French, Cornwall of Bonhard, and Patrick Kenlowy, in the matter of the vicarage of Linlithgow.

Complaint of Alexander Dalmahoy of that Ilk, as follows:—Sir Patrik Frensche, having been provided to the vicarage of Lynlythqu, set, during all the days of his lifetime, the same in tack to the late Mr Andro Hereott, son of the late James Hereott of Trabroun; which tack the said Mr Andro assigned to the complainer, so that, by virtue of the said assignation, the said complainer has possessed the duties of the vicarage without any question. But now he is informed that Nicoll Cornwall of Ballinhard, "quha is debtbound in the maist parte of the fruitis of the said vicarage," has "movit the said Sir Patrik to dimitt the said vicarage in his Majesteis hands, and that, upoun the said dimissioun, his Hienes hes presentit Patrik Kenlowy, minister at Lynlythgow, thairto." In these circumstances, the complainer prays that the Keeper of the Privy Seal shall be discharged from passing the said presentation till such time as the said Patrik, the presentee, confirm the said tack and assignation thereof made to the complainer, "and mak securitie that the said dimissioun sall nawayes be hurtfull nor prejudiciall thairunto."—Sir Patrik Frenshe, Nicoll Cornwell, and Patrik Kenlowy, having been cited, and only the two last appearing, Fol. 127, b.

Acta 1585–87. while the complainer appears personally, the Lords remit the matter to the Lords of Council and Session, as only judges competent thereto.

Liddesdale pledges entered for the Earl Bothwell.

Mr Robert Hepburne, in name of Francis, Earl Bothuill, his master, enters Archie Armestrang, son of the Laird's Johnne, pledge for Mangertoun and Quhithauch, Hobbie Elliot, brother of Johnne of Copshaw, pledge for the gang of Reidheuch, and Adie Armestrang, son of Thome of the Gyngillis, according to the said Earl's band thereupon.

Band for Lord Semple.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the parties, of a band, executed at Castle Semple and Over Pollok, 1st and 2nd November, and witnessed by Robert Semple of Craigbait, Thomas Semple of Grenesyde, Alexander Muir, and Williame Speir, writer, containing caution by Johnne Pollok of that Ilk and Williame Glen of Bar for Robert, Lord Semple, that he shall deliver to Dame Annabell Murray, Countess of Mar, all that is yet extant of such corns as he had intromitted with upon the lands of Inchynnane this last year, within such reasonable time as shall be appointed, and that he shall refund the prices of the corns destroyed, "tryall and liquidatioun being maid of the same."

Holyroodhouse, 14th Nov. Act for convening Commissioners of Shires.

"Forsamekle as the Kingis Majestie, oure Soverene Lord, according . . . Act maid in his Hienes Parliament haldin at Lynlythgow . . . and perfyte age of xxi yeiris compleit, sittand . . . ordainit the Act of Parliament made be his Hienes . . . of worthie memorie, intitulat, THAT SMALL BAR[RONES AND FREHALDARIS MISTERIS] NOT TO CUM TO PARLIAMENT, to have

Fol. 128, a. . . . . .

And, albeit his Majestie, be his effectuus missive letters directit to a certane speciall barroun or frehaldare in every sherefdome of this realme, desirit that advertizment suld be gevin to the barronis and frehaldaris within the sherefdome to convene thame selffis at Michaelmes bipast, and to elect twa of thair degree quhome thay thocht meitast to credite thair effairis unto, to attend upoun his Hienes at Conventionis and Parliamentis, and to gif his Majestie knawledge of their names, to the intent he mycht write unto thame as commissionaris of that shire, and call thame to his Hienes for thair advise in his effearis, as he suld find occasioun, nevirtheles, nane or verie few reportis ar returnit to his Majestie of his saidis directionis, to the grite hinder of his Hienes service and commoun weill of his realme; and thairfoir his Majestie, with avise of the Lords of Secrete Counsall, ordanis letters to be direct chargeing the saids barronis in every shyre quhomeunto his Hienes missives and directionis wer send, quhais names sal be gevin in bill, to returne the trew reporte of thair proceding thairanent, and delyver the same in write to his Hienes Chancellair, within ten dayis nixt eftir thay be chargeit thairto, and als to deliver to the officiar executour of the saids letters the names of the personis chosin commissionaris in every shyre within sax houris nixt eftir the charge; and, the saidis names of the commissionaris being ressavit, that the saidis officiaris charge thame to convene with the uthiris commissionaris of the

shyres in his Majesteis presence at Haliruidhouse, or quhair his Hienes sal happin to be for the tyme, upoun the first day of Januare nixt to cum, for thair advise to be gevin in sic things as his Hienes sall propone unto thame at thair cuming, undir the pane of rebellioun and putting of thame to the horne; and, gif thay failyie thairin, the saids space and day respective being bipast, to denunce the dissobeyaris his Hienes rebellis and putt thame to the horne, and escheit, etc."[1] Acta 1585-87.

Edinburgh, 15th Nov. Caution for Robert French.

Caution in £1000 by Robert Frensche of Thornidyke, as principal, and Williame Hume, elder, in Bassinden, and Johnne Baillie of Sanct Johneskirk, as sureties, that Niniane Spottiswode of that Ilk shall be harmless of the said Robert.

Holyrood-house, 17th Nov.

Sederunt—REGE PRESENTE—Cancellarius; Clericus Registri; Clericus Justiciarie; Joannes Setoun, Computorum Rotulator.

To denounce Patrick Buttar in Maryton and others for not answering to a charge of Robert Boyd relating to certain teinds.

Complaint of Robert Boyd of Haltoun of Fordischaw, as follows:—As the teindsheaves of the lands of Wester Tilinedders pertain to him in liferent, he has collected and led the same for many years past; "like as he hes servit inhibitioun thairupoun this present yeir, and twa severall tymes befoir the leiding of the same teinds offerrit himself willing and reddy, in presence of ane notar and witnessis, to have tendit the same." But Patrik Buttir in Marytoun, possessor of the said lands, has not only intromitted with the whole stock of corns growing upon the said lands this year, but also with the teinds thereof, which he has built into three stacks at the back of his cornyard, without giving any warning to the complainer to teind, as he should have done. Although the complainer had gone since then to the cornyard to have received his said teinds, yet Patrik, having been informed of his coming, had absented himself, and will give him no delivery of the same.—The said Patrik, James Hering of Over Fornocht, and James Mitchell in Wester Kinloch, leaders of the teinds, failing to Fol. 128, b.

[1] In connection with this important order, see *ante*, p. 201, footnote. The first Act of Parliament referred to in the order is that of the Parliament at Linlithgow in December 1585 (Acts, iii. 422); the second, the reference to which is obscured by the decay of that part of the Register, though it is identified by the words "perfyte age of xxi yeiris compleit," is that of the late Parliament at Edinburgh of July 1587 on the same subject (Acts, iii. 509); and the old Act by the former sovereign "of worthie memorie," the reference to which is also in part obliterated, is the Act of James I. in 1427 (Acts, ii. 15), cited and revived by these two Parliaments of the present reign. That old Act of the poet-king, nominally excusing the small barons and freeholders from attendance in Parliament on condition of their electing two or more wise men in each shire to represent them in Parliament, had really been designed,—no doubt from the lesson James had learnt in England during his captivity there,—to bring in an effective representation of the small barons in counterpoise to the power of the great nobles. The Act had been a dead letter; and the two recent Acts, reviving it, and providing for the yearly election in every shire, "at the first heidcourt efter Michaelmes," or otherwise as required by the King, of Commissioners for that shire, by the votes of all residents having "fourty schilling land in frie tenandrie haldin of the King," and for the return of the names of the elected persons to the Chancellary, had also, it appears, been received with apathy. The present order is intended as a stimulus.

Acta 1585–87. answer, while the complainer appears personally, the Lords order the defaulters to be denounced rebels.

Edinburgh, 18th Nov. Caution for George Lyon, burgess of Glasgow.

Caution in £200 by James Dalzell, burgess of Edinburgh, for George Lyoun, burgess of Glasgow, that, in conformity with the letters obtained by Donald Cunnyghame, burgess of Dunbartane, the said George shall deliver the house and tenement of land, lying within the city of Glasgow, which belonged to the late Archihald Lyoun, his father-in-law, to the provost and bailies of the said city, in case it shall be found that he ought.

Edinburgh, 21st Nov.

Sederunt—Cancellarius; Mar; Clericus Justiciarie; Clericus Registri; Computorum Rotulator.

Charge to Drummond of Carnock suspended.

King's letters raised by Sir Robert Drummond of Carnok set forth that the Treasurer and his depute, and Thomas Forrestar of Durrishall, alleging Sir Robert to have been denounced rebel on 26th August last for not infefting Forrestair in two-seven parts of the lands of Durrishall, lying within the shire of Striviling, and to have remained at the horn since that time, obtained letters charging him and the other keepers of his houses of Carnok, Bannaburne, and house in Striviling, to deliver the same to the officers, and to enter his own person in ward within the castle of Dunbartane, within six days after the charge, under pain of treason. Sir Robert now pleads that the said letters "ar wranguslie execute" against him, because James, Lord of Down, alleging himself to have obtained gift of the said complainer's escheat, has not only uplifted his whole moveables, but also seized his houses abovementioned. The complainer being thus debarred from entering into his said houses, "it is nocht possible to him to obey the command of the saids letters direct for delyverance of the same"; and, in respect thereof, "and that the said donatour suld have bene chargeit to this effect," he prays that the letters and charge against him be suspended.—Mr Thomas Lyoun of Balduky, Master of Glammis, treasurer, and the said Thomas Forrestair, having failed to appear and produce the said letters, as they had been charged, while the complainer appears by Johnne Drummond, his son (see *ante*, p. 199, footnote), the Lords do suspend the said letters accordingly.

Fol. 129, a. To denounce Archibald Hepburn and other servants of the Earl of Caithness for not answering a charge of forcible intrusion into certain lands and houses of Lord Oliphant.

King's letters raised by Laurence, Lord Oliphant, state that he and his predecessors "past memor of man" have peaceably possessed the lands and baronies of Berrydaill, Aldwik, Thrumbustar, Tusbustar, tower, fortalice, and manor place of Tusbustar, lying within the sheriffdom of Invernes, till David Sinclair, brother natural of George, Earl of Caithnes, in July 1583, instigated by the said Earl, forcibly ejected, under silence of night, Williame Oliphant of Newtoun, father-brother of the complainer, with his servants and hinds, furth of the lands of Thrumbustar, then possessed by the said Williame as tenant of the said Lord, and intromitted with his corns and goods; which the said David "continuallie sensyne hes detenit and withhaldin." The said Earl, not content with this,

"bot continewing in his formare oppressioun," has, since July 1583, Acta 1585–87. ejected several of Lord Oliphant's kindly tenants from the said lands, and entered in a great part thereof broken men and sorners, who will neither acknowledge Lord Oliphant as their master nor desist from occupying his lands, "bot suffiris the said Erll, be collusioun betuix thame dalie, to appropriat ane grite parte of the said Lords lands and heritage to the said Erllis lands." He is not satiated even yet; for Archibald Hepburne, master household to the said Earl, James Mansoun, his master stabler, Henry Crukeshank, porter, Johnne Bakie, baxter, Johnne Fyffe, Archibald Mullekin, Williame Crukeshank, Alexander Crukeshank, Johnne Irland, Williame M^cinroy, Alexander Scott, Alexander Aysoun in Wik, all domestic tenants and servants of the said Earl, James Sinclare, Master of Caithnes, his brother, hounded on by the said Earl, Johnne Sinclare, his brother, and the said David Sinclare, with convocation of the lieges to the number of three score persons, "all bodin in feir of weir," upon 15th September last, undir silence of night, "come to the said tour and fortalice of Tubister and Braiwin houssis, lands and manis thairof," ejected Lord Oliphant's servants, and intromitted with their whole corns, horses, nolt, sheep and other goods; "quhairthrow Dame Margaret Hay, spous to the said Lord Oliphant, quha is presentlie duelland within the boundis of Caithnes for doing of hir lefull effearis, can nawayes remane in the said cuntrey, pairtlie in respect that sho and hir servands dar not oppinlie, for oppressioun of the said Erll, repair in the cuntrey, and pairtlie becaus the haill maynes, guids and geir, pertening to the said Lord Oliphant within the saidis bounds, ar wrangouslie withhaldin and spuilyeit in maner foirsaid."—The foresaid servants of the Earl of Caithnes (from Archibald Hepburne to Alexander Aysoun) having been cited, but having failed to appear, while Lord Oliphant appears personally, the order is to denounce the defaulters rebels.

Edinburgh, 23rd Nov. Caution for Spotswood of that Ilk.

Registration, by Mr Edmond Hay, advocate, as procurator for the parties, Fol. 129, b. of a band executed at Edinburgh, 23rd November, in presence of Captain Patrik Cranstoun, James Hammiltoun, son and apparent heir of James Hammiltoun of Ruchbank, and Johnne Menzeis, containing caution in £1000 by Niniane Spottiswode of that Ilk, as principal, and Mr Richard Cokburne, apparent of Clerkintoun, as surety, that Robert Franche of Thornidykis shall be harmless of the said Niniane.

Prorogation, on account of the plague, of Justice Courts to be held over the country.

His Majesty "considering how, be occasioun of Godis visitatioun throw the pestilence spred in Leyth,[1] sum pairtis of Edinburgh and the cuntrey adjacent to the passageis at ferreyis and uthirwayes ar gritlie interrupit, and thairthrow the administratioun of the civile justice in the Sessioun stayed," therefore the Justice, the Justice Clerk, and their deputes, are ordained to continue the justice court appointed to begin at Lynlythgow

[1] "The pest brake up in harvest in Leith, by opening of some old kists, and in Edinburgh about the fourth of November. It continued in these two towns this winter till Candlemesse"—(Calderwood, iv. 641).

Acta 1585-87. on the 27th instant (*ante*, p. 218) to the 5th of January next, "befoir the quhilk, God willing, the infectioun will ceis," and all other justice courts for the remaining shires are to be similarly continued "to new dayis als lang eftir the said fyft day of Januare as they wer sett of befoir [by the same Act, p. 218] eftir the said xxvii day of November."—Publication hereof is to be made, with command to the plaintiffs to give forth their "portuus" to the coroners, so that persons indicted may be duly arrested. Acta 1585-87.

Dalkeith, 28th Nov. Act for payment by the Burghs of the taxation of £4000 voted by them for the expenses of the embassy to Denmark.

The King and Council having "exponit and declairit laitlie to the Commissionaris of Burrowis quhilkis convenit at the burgh of Edinburgh that his Majestie wes to direct ambassadouris to Denmark to treate upoun certane materis tending to his Hienes honnour and commoun weill of all esteatis of personis within this realme, bot cheiflie of the estate of burrowis," and having requested that, in the emergency, "thay wald, for sustening of the chargeis of the saids ambassadouris, [pay ?] the sowme of foure thowsand punds, quhilk his Hienes promittit, and be thir presentis promittis, to caus be payit to thame agane, of the reddiest of the nixt taxatioun to be grantit be the Esteatis, deduceand and allowand the saidis burrowis pairt in the first end thairof," and the said commissioners having, "in respect of the said promeis, willinglie aggreit to the payment of the said sowme", it is now ordered, "to the effect the same may be collectit in dew tyme, that in default thairof the saids ambassadouris be not stayed of thair voyage," that the provost and bailies of all the burghs be charged to make payment, "every ane of thame of thair pairtis of the said sowme, according to a roll maid and delyverit" to the officer executing the charge, to John Arnott, provost of Edinburgh, collector of the said taxation, within ten days after being charged, under pain of rebellion.

Order to denounce Robert Fergusson and others for not answering a charge of deforcement.

Fol. 130, a. King's letters raised by Johnne Fergussoun, son of Archie Fergussoun in Glencorshe, state that he had obtained a decree before the Sheriff of Drumfreis against Thomas Fergussoun in Scruba, son of Williame Fergussoun in Catloche, decerning the said Thomas to have done wrong in ejecting the complainer from the lands of Scruba in February 1577, and in occupying the same himself ever since that time, and ordaining him to restore the complainer to the said lands and to pay him the profits of the same specified in the decree. In conformity with this the complainer had raised the sheriff's precept for poinding and apprising the goods and gear of the said Thomas; and, because the sheriff officers of the shire of Drumfries could not then have sure access to the burgh of Drumfreis, for apprising the goods poinded by them, the complainer had obtained from the Lords of Council and Session letters charging officers of arms to assist the said sheriff officers in poinding the said goods, "and, the same being poindit, to appryse the same at the mercatt croce of Sanquhair, quhilk the saids Lords admittit to be als sufficient as gif the said apprysing had bene maid at the said burgh of Drumfreis." Accordingly, upon the 14th of October last, Johnne Wilsoun, messenger, assisted by Cuthbert Huntar, one of the sheriff-officers, "apprehendit" upon the

lands of Scruba 18 score sheep, and 14 old and 6 young "nolt," belonging to the said Thomas; but, while they were driving the said goods to the market cross of Sanquhair, for apprising the same, Robert Fergussoun in Benbray, Johnne Fergussoun in Comrik, Johnne Portar in Didben, Robert Greir in Martone, Thomas Fergussoun in Scruba, Bartilmo Barmour (? Barbour) there, Malcolme Fergussone in Kaitloch, Robert Fergussone, son of Johnne Fergussoun of Craigdaroch, with their accomplices, "bodin in feir of weir," all hounded out by Johnne Fergussoun of Craigdaroch, "wranguslie, maisterfullie, and be force, reft, intromettit with and awaytuke the foirsaidis haill guidis fra the saidis officiaris, and deforceit thame thairby in executioun of thair officeis."—The foresaid persons accused, with Johnne Fergussoun of Craigdarroch, and Robert Fergussoun, his son, having failed to appear to answer the summons, while the pursuer appears personally, the Lords ordain the defaulters to be denounced rebels. Acta 1585–87.

Letters raised by Lady Mar against Lord Semple "fund ordourlie procedit,' and ordained to be put in execution.

King's letters raised by Robert, Lord Semple, set forth that, having been commanded to deliver, within 24 hours after the charge, to Dame Annabella Murray, Countess of Mar, the corns that grew last year upon the lands of Inchynnane, or else to enter in ward within the castle of Dunbartane, under pain of treason, he had passed to the said castle and desired the captain thereof to receive him in ward. But the captain, having no letter for his warrant, had refused to take him into custody; and so, the diet of the charge being only 24 hours, it was impossible for the said Lord to report himself to the Council at Edinburgh within the time required. The said Countess, however, alleging that he had been guilty of "wilfull disobedience," had obtained other letters, directed to Johnne, Lord Hammiltoun, commanding him to intromit with the complainer's person and places, that he might be punished for his disobedience, "albeit thair wes na wilfull disobedience usit be him, nor yit is he myndit nor willing to use ony thing that may serve to offend his Majestie in this behalff." Still, for showing "his debtfull obeysance," he has found caution to deliver to the said Lady the corns still extant and to pay to her the corns destroyed and wasted by the intromitters therewith (*ante*, p. 227). He prays therefore that the letters against him be suspended.—The complainer appearing by Williame Speir, writer, his procurator, and the Countess of Mar by Williame Murray, "ane of the valletis of his Hienes chalmer," her procurator, it is decerned that the letters obtained by the Countess of Mar have been "ordourlie procedit," and are therefore to be put to farther execution. It is also declared that the letters obtained by Lord Semple are null. Fol. 130, b.

Order for enforcing the Act against Jesuits or seminary priests, and their resetters.

Refers to the Act of Parliament ordaining that a professed and avowed Jesuit found in the country a month after the publication of this Act shall incur the pain of death and confiscation of moveables, that resetters of offenders shall incur escheat of liferent, and that sayers and hearers of the mass shall suffer escheat of liferent and moveables (1587, c. 3, iii. 429), and also to the Act that persons guilty of persuading any subject, by reasoning or dispersing books or letters, to decline from the true religion,

Acta 1585-87. shall lose their moveables and liferents (1587, c. 2, iii. 429); and then proceeds:—"And, albeit the space of a moneth eftir the publicatioun of the saidis Actis of Parliament be of lang tyme bipast, nevirtheles divers of the saidis professit and avowit Jesuitis or seminarie preistis still continewis and repairis to sindrie pairtis of this realme, seduceand and perswading his Hienes obedient and faithfull subjectis to declyne fra the said trew religioun, namely Mr James Gordoun, fader-bruther to the Erll of Huntley, Mr Edmund Hay, bruther to Petir Hay of Melginche, Mr Gilbert [Broun, Abbot of] Newabbay, Mr Johnne Dury, sone naturall to umquhile George, Abbott of Dunfermling, Mr [Gilbert M^{c}quhir]ry, sone to umquhile Gilbert M^{c}quhirry, burges of Edinburgh, Mr James Cheine . . Arnaige, Mr Alexander Meldrum, fader bruther to the Gudeman of Ede, ... Laird of Petmedden, Mr Williame Creichtoun, bruther to umquhile . . . . , sone to the Laird of Gargunnok, . Scott, sone . . . , . Johnne Mortoun, sone to James Mortoun . . . .

Dalkeith, 7th Dec. Proclamation against Border incursions into England.

The lieges dwelling within the bounds of the Middle March are again ordered to be charged, by open proclamation at the market crosses of Jedburgh, Hawik, Kelso, Selkirk, and other places needful, not "to ryde in England in weirlyke maner," or to raise fire or commit depredations therein. They are also commanded to "withstand the invasioun and incursionis of quhatsumevir disordourit personis, movaris of insurrectioun, or quhilkis sall pres to brek the peace and inquiet the present estate of ather of the realmis," and in the meantime to "keip watche nycht and day and burne baillis, according to the accustomat ordour observit at sic tymes upoun the Bordouris," under pain of loss of life, lands and goods (*ante*, p. 209). Acta 1585–87. Fol. 131, b.

Caution for the Earl Marischal.

Caution by Alexander Ousteane, tailor, burgess of Edinburgh, and Robert Portuous, bailie of Dalkeyth, for George, Earl Marshaell, and Robert Arbuthnote of Litle Futhace, that "he" shall obey the letters raised by Margaret Erskin, Lady Pitcarie, against "him," touching the poinding and distraining of so much of the goods of Johnne Allardes of that Ilk as will satisfy her for the sums and victuals specified in a decree obtained thereupon, and also that the Earl and Robert shall make good all the damages sustained by the said Lady through their default in times past, in case it shall be found that they ought (*ante*, p. 210).

Dalkeith, 8th Dec. Anent the assurance between the Master of Eglinton and the Commendator of Kilwinning.

The King and Council, "finding it nawayes convenient that thair salbe ony grite resorte of his Hienes subjectis to the place of his Majesteis residence quhill the pest, [which] as yit continewis within the burgh of Edinburgh and Leith, at Godis plesure be removit," continue the action depending before the Council in the matter of letters for an assurance between Robert, Master of Eglintoun, and Neill Montgomerie of Langshaw, on the one side, and Alexander, Commendator of Kilwynning, on the other side, till the 1st of March next.

Dalkeith, 11th Dec. Robert Leslie may appear by procurator.

Although Robert Leslie of Dewglie has been charged, by letters obtained "be his unfriendis upoun reportis and narrationis," to answer personally "to the complaintis," yet, in respect of his "auld age and inhabilitie to travell," the Lords allow him to appear by his procurator.

Dalkeith, 13th Dec. Caution for Scott of Branxholme.

Caution in £10,000 by Johnne Morray of Blakbarony and Johnne Carmichaell of that Ilk for Walter Scott of Branxholme, that, on being liberated from the Castle of Edinburgh, he shall by the 10th of January next find surety for relief of the King and his wardens of "all attemptatis aganis the peace with England bigane and to cum committed by him and those for whom he is liable."

Caution for the said Scott.

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Dalkeith, 16th Dec. Livingston of Jerviswood against Sir

Williame Levingstoun of Jereswode having been charged by the King's letters to render the tower, manor place, and houses of Columbie to Sir Williame Stewart, or else to appear and show cause to the contrary, and Fol. 132, a.

Acta 1585–87. William Stewart.

Stewart and Levingstoun both appearing, the latter contends that he should not deliver the said house, "becaus he wes rentallit in the xl s. land of Columbie be umquhile Gawin Dunbar, with medois and dew service usit and wount, quhairin is reservit hospitalitie to the archiebischopis of Glasgu within the said place at sic tymes as thay sall repair thairto,"—which rental "wes past for bigging and reparatioun maid in the said place of Columby," as appears from an extract subscribed by Mr Henry Gibsoun, of date 19th January 1574. The Lords, after hearing reasons, ordain Levingstoun to detain the said house "ay and quhill he be ordourlie callit, etc.," without prejudice to Stewart to sue for the duty and service contained in the said rental.

Holyrood-house, 19th Dec. College of Justice to sit in Edinburgh, the plague having ceased.

As the infection of the pestilence, which has stayed the administration of justice for two or three months past, has now ceased within the burgh of Edinburgh, the senators, advocates, scribes, and other members of the College of Justice, are charged to convene in Edinburgh upon the 1st of January next for beginning the Session.

Act against fraudulent procuring of gifts of the escheats of rebels for the benefit of the criminals themselves or of their families, and for enforcing the Act appropriating the same to his Majesty's use.

The execution of the Act of 11th October last (*ante*, p. 219), ordering the escheat goods of rebels to be applied to the King's own use, "hes bene and is like to be frustrat be the crafty, subtile and indirect practises of sindrie personis, freindis and favouraris of murtheraris, menslayaris, and committaris of uthiris odious crymes, quhilkis hes purchessit and daylie purchessis the giftis of thair escheitis, or dispositionis of thair escheate guidis and debtis, in the favour and conforte of thame, thair wyffis, bairns or tendir freindis,"—by which means such criminals, though at the horn, have "the brouking and fruitioun" of their justly forfeited goods, or at the least the said lands and dwelling houses are commonly occupied by their wives, bairns, kinsmen and friends, to the loss of his Majesty.

Fol. 132, b.

Therefore it is ordered that all decrees against the goods and lands of such rebels be put to execution, so that the "dispositioun of escheitis cullouratlie and fraudfullie purchest and transferrit in the favouris of rebellis, thair wyffis, bairnis, or tendir freindis and weilwillaris to thair behuffe," may not "serve to nurishe and sustene the saidis rebellis in thair contempt and rebellioun," but that the King and his Treasurer may intromit at once with the escheats and debts remaining upon the ground and within the house possessed by any rebel before he was put to the horn, "or in cais he have bene ressett in the same house at ony tyme eftir his denunciatioun," and this notwithstanding "ony dispositioun or gift maid of the same of befoir." It is provided that "the uptaking of the saidis eschete guidis and debtis, and labouring of the saidis takkis and possessionis during the continewance of the saidis rebellis in thair rebellioun, sall nawayes be imputt to the said Thesaurare or uthiris haveand his richt or directioun as ony actioun criminale or civile"; and the said Treasurer or his deputes are to cause the houses foresaid to "be detenit and kepit upoun the expenssis of the reddiest of the saidis eschete guids."

Holyrood-house, 20th Dec.

Sederunt—Thirlstane, Cancellarius; Marschaell; Thesaurarius; Episcopus Dunkeldensis; Clericus Registri; Clericus Justiciarie; Murdocairny; Collector. Acta 1585–87.

Suspension of horning against certain men of Perth.

King's letters raised by Duncane Robertsoun, Patrik Grant, David Grant, and Alexander Grant, burgesses of Perth, James Grant in the Sherefftoun of Scone, David Robertsoun, Williame Robertsoun, Rannald Robertsoun, Patrik Robertsoun, his son, and Constantine Scott, all residing there, set forth that they had been charged by Thomas Allesoun of Lochtoun to find caution, under pain of rebellion, in £200 each, that he and his tenants should be harmless of them, and that, for their alleged disobedience, he has put them to the horn, or intends to do so. Now the complainers, shortly after the charge, had, as required, found "sufficient and responsall souirteis, actit in the buikis of Secrete Counsall" (*ante*, p. 226); and so the letters against them ought to be suspended.—The pursuers appearing by James Winrahame, their procurator, but the said Thomas failing to appear, the Lords do suspend the letters.

Robert Graham against John Johnston.

Complaint of Robert Grahame of Thornik, as follows:—He and his predecessors have possessed, past memory of man, the lands, tower and fortalice of Thornik, lying in the stewartry of Annanderdale, till lately Johnne Johnnstoun, father-brother of James Johnnstoun of that Ilk, ... "quhat pretens the said complenare knawis nocht hes possest . . . . the said house be cuming and placeing himselff . . . . . to leif the persute of him and to appropriat the said complenaris landis to himself; for quhilk pur . he perswadis him selff of the assistance of the Laird of Drumlangrig, and of the Provest of Lynclowden, his moder-bruther, quhais miscontentment in this cais, giff it wer kythit towardis him, wald move him to forbeir sic kynd of violence, quhilk thay aucht not onlie to utter, and cheiflie the said Provest of Lynclowden, in respect he is ane of his Majesteis officiaris and counsallouris, bot thairwithall to extend their force with sic expeditioun as may be for repressing of sic lawles forme of doing."—Johnne Johnnestoun having failed to answer to this complaint, although duly charged, and the complainer appearing by Niniane Weir, messenger, as his procurator, the Lords order the said Johnne to be denounced rebel. Fol. 133, a.

Caution for John Fergusson and others.

Caution by Johnne Maitland of Auchingassill and Archibald Wauchop of Nudrie for Johnne Fergussoun of Craigdarroch, Robert Fergussoun, his son, Robert Fergussoun in Benbuy, Johnne Fergussoun in Comrik, Johnne Portar in Dibden, Robert Greir in Martone, Thomas Fergussoun in Strouba, Bartilmo Barbour there, and Malcolme Fergussoun in Kaitloch, in 300 merks each, that they, or any two of them having commission for the rest, shall answer before the Council upon 10th January next to a complaint of Johnne Fergussoun, son of Archie Fergussoun in Glencorshe, —Robert, Lord Sanquhair, becoming cautioner in relief.

Acta 1585-87. Caution by Johnne Wardlaw, burgess of Edinburgh, for Patrik Buttir in Marietoun, James Hering of Over Fernoch, and James Mitchell in Wester Kinloch, in 300 merks each, that they shall answer before the Council upon 10th January next to a complaint of Robert Boyd of Haltoun of Sandieshaw,—Johnne Kynnaird, burgess of Edinburgh, becoming surety in relief. Edinburgh, 21st Dec. Caution for Patrick Buttar and others.

Sederunt—Cancellarius; Thesaurarius; Episcopus Dunkeldensis; Neubottle; Clericus Registri; Clericus Justiciarie; Collector; Murdocairny. Holyrood-house, 22nd Dec.

The King, with advice of his Council, has resolved "that thair salbe ane seill of office of the Conservatorie of Flanderis maid and past, quhairwith salbe seillit at all occasionis all pasportis, attestationes, saulf-gairdis depositionis of witnessis, commissionis, and uthiris writtis of ony consequence, propirlie belanging to the Conservatouris office, and that the said seill have the . of ane thyrssill crownit with this circumscriptioun SIGILLUM OFFICII CONSERVATORIE . . , the said Conservatour to caus forme and mak the said seill in maner . . . . . to caus forme and mak ane mace of silver . . . . . A seal to be made for the office of the Conservatorship of Flanders.

Fol. 133, b. The King and Council understanding that, "albeit the staple of his Hienes subjectis in the Law Cuntreis of Flanders be establissed in the Toun of Campheir, be publict consent of the burrowis of this realme, and mutuall contract past betuix thame and the magistratis of the said toun undir thair reciprocque handwrittis and seillis," yet "sum merchantis of this realme ceissis not, as his Majestie is surelie informed, to transporte thair guidis and staple wairis to uthiris townis and heavynnis within the boundis of the saidis Law Cuntreyis, expres aganis the tennour of the said contract, and to the falsefeing and annulling, sa far as in thame lyis, of the saidis burrowis parte thairof," and considering also that "the commissionaris of the saidis burrowis, quhilkis laitlie convenit at Edinburgh, be thair act hes corroborat the said contract and appointit a penalty to be upliftit of the contravenaris thairof," it is ordained that open proclamation be made at the market crosses of the head burghs discharging the lieges from exporting staple goods to any other port in the Low Countries than the Town of Campheir, under a penalty of £100 and confiscation of the goods. Act to enforce the contract providing that Campvere be the destination for all staple goods exported from Scotland to the Low Countries.

Caution by George Abircrumby, writer, for Johnne Allane in Loristoun, that he shall pay to Williame Forbes of Monymusk the sum of 6 merks for his part of the taxation of £15,000, in case it shall be found he ought,—the said Williame, and Thomas Craig, messenger, to be warned to 20th January to answer in the matter. Caution for John Allan.

Caution by Johnne Arbuthnote of Lentushe, as principal, and Johnne Arbuthnot of Legland, as surety for him and for David Guthrie of Edinburgh 23rd Dec. Caution for

Arbuthnot of Lentush and others for the delivery of a bale of Bibles in Aberdeen.

Kincaldrum, Williame Guthrie of Halkartoun, and Williame Rynd of Kers, that they shall deliver to Archibald Douglas, messenger, in Ald Abirdene, 102 "Biblis bundin blak and glasspitt, with all damnage and entres," in conformity with an obligation made by the late Alexander Arbuthnott and Thomas Bassindyne, printers, as principals, and the said James Arbuthnote and the other sureties foresaid, as sureties for them. (See vol. ii. pp. 544–546). Acta 1585–87.

Holyrood-house, 27th Dec. Charge to the Earl Marischal and Gordon of Gight not to come to Edinburgh with more attendance than is allowed by Act of Parliament.

Notwithstanding the Acts of Parliament (and especially the Act 1584, c. 17, iii. 301), forbidding litigants to come to courts except in "sic nowmer and cumpany as the saidis actis provydis, undir the pane of incurring the cryme of convocatioun of his Hienes liegis," yet the King is informed that George, Earl Marshaell, and the friends of the late Johnne Keyth of Glak, on the one side, and Williame Gordoun of Geych and his accomplices on the other side (which latter are charged to answer in the tolbooth of Edinburgh upon 5th January next for the slaughter of the said late Johnne), intend to come, with a convocation of their adherents respectively, to the said diet. Now, there being among them "sindrie deidlie feidis", both parties are charged, under the penalty abovewritten, to repair to the said tolbooth, with no more attendance than is authorised by the said Acts of Parliament.

Edinburgh, 29th Dec.

Sederunt—Cancellarius; Marschaell; Thesaurarius; Coldenknowis; Clericus Registri; Clericus Justiciarie; Lynclowden, Collector. Fol. 134, a.

Discharge of commissions of lieutenancy and justiciary, in view of the sitting at last of the Justice Courts the diets of which have been delayed by the plague.

Preamble recites how the King, "moved be the lamentable complaintis of divers his Hienes loving and gude subjectis for the cruell murthouris, slauchtaris, masterfull reiffis, oppressionis and uthiris enorme crymes, sa commounlie committit in all pairtis of the realme," had at length, "at his lauchfull and perfyte age, quhairin he myndis, God willing, to imitat the worthie examplis of his maist noble progenitouris", resolved, with advice of his Council, by way of "a maist present remeid", to appoint "the halding of justice courtis at Edinburgh, for every shyre of the cuntrey eftir uther, thairby to undirstand the trew and certane estate of his realme, the nowmer of qualiteis of his subjectis remaning inobedient rebellis and unpunist for odious crymes," so that "eftir the troublesum and factious tymes of his Hienes minoritie," the course of justice might be revived, and "the force and majestie of the criminale jugement, sa fer decayed," might by his Majesty's "awne presence, cair, and directionis" be brought again "to the ancient forme and vigour" (*ante*, p. 217). As, however, "the dietis first appointit for the saidis justice courtis" had been necessarily put off "throw Godis visitatioun be the pestilence, quhairwith the toun of Leyth, a parte of Edinburgh and of the cuntrey adjacent, wes infectit," his Majesty "now hes sett and appointit the saidis dyetis of new, and, that the same sall the bettir proceid universalie throw the realme without latt or hinderance, his Hienes hes dischargeit and annullit, and be the tennour

Acta 1585-87. heirof dischargeis and annullis, all commissionis of lieutennandrie and justiciarie grantit be his Hienes to quhatsumevir persone or personis within the realme heirtofoir, and ordanis thame to ceis and have na further effect in tyme cuming, declairing (according to the effect and tennour of his Hienes formar proclamatioun) that na maner of persone nor personis indytit or dilaitit for the saidis crymes salbe replegeit fra the said courte of justiciarie to the previlege of quhatsumevir regalitie, in respect of the necessitie of justice to be ministrat in his Hienes awne presence at this tyme, but prejudice alwayes of the escheitis of courte, unlawis and casualiteis of the lordis and heritable baillies of regaliteis, quhilkis his Hienes myndis not to impare." Proclamation accordingly is to be made at the market crosses of Edinburgh and other head burghs.

Hamilton, apparent of Preston, liberated from Blackness, his accuser, Habbakuk Nisbet, having failed to show cause to the contrary.

Supplication of Johnne Hammiltoun, apparent of Prestoun, as follows :— The petitioner had appeared before the Council to answer to a complaint of hurting Abbacuk Bissett, writer, in the left hand (*ante*, p. 204). Though innocent and ready to stand trial,—"refusing na extremitie giff he wer onywayes fund gilty of the said cryme,"—he had been committed to ward in the castle of Blaknes "quhill he wer tryit; quhairin he presentlie remanis." This, he represents, appears to be a "novaltie not usit at ony tyme heirtofoir in sic caussis" to any one of his condition, he "being a gentilman answerable to the lawis"; and, farther, Abbacuk has not prosecuted within the time promised by himself and ordained by the Fol. 134, b. Secret Council.—Abbacuk Bissett, having been desired to give reason for having delayed the prosecution of Hammiltoun, replies that it "wes in default of the Justice-Clark and his deputis, quha refusit to grant letters for calling of the said Johnne Hammiltoun to ane particular dyet unles the warrand or bill had bene subscryvit be his Majesteis advocat, quhais subscriptioun and concurrence, be ressoun of the pest and sindrie uthiris impedimentis and excussis, the said Abbacuke allegeit could not be had." This answer having been communicated by the Chancellor to the Council, and the Justice-Clerk, and Mr James Bannatyne, his depute, who are present, having denied that they refused to grant the said letters, the Lords, finding no reasonable cause advanced by Abbacuk why the petitioner should not be liberated, ordain the captain of the castle of Blaknes to set him at liberty immediately after sight hereof, because he has found caution in the books of adjournal that he will appear before the Justice at the next justice-air of the sheriffdom in which he dwells.

Caution for certain men of Lanark.

Caution by James Hammiltoun of Libbertoun for Thomas Weir, younger, of Nethir Kirktoun, David Blair of Corslaw, Williame Wilkene of Wamfraflatt, one of the bailies of Lanark, and Thomas Gray, also bailie of Lanark, in 1000 merks each, and for Robert Levingstoun, David Tindale, James Douglas, Stevin Rob, David Forrest, Williame Cunynghame, Johnne Weir, and David Brentoun, younger, burgesses and inhabitants of Lanark, in 500 merks each, that Williame Levingstoun of Jerveswode, and James Levingstoun, his son and apparent heir, shall be harmless of them.

Caution for William Home and his sons.

Caution by George Craw of Eist Restoun for Williame Hume of Quhyterig in 1000 merks, and for Robert and George Humes, his sons, Alexander Hume in Coldinghame, his son-in-law, and Johnne *alias* Jok Hume in Aymouth, in 500 merks each, that James Bour in Aymouth, Johnne, Nicoll, and Vallentyne Bouris, his sons, with their tenants and servants, shall be harmless of them. Acta 1585–87.

Edinburgh, 30th Dec. Caution for John Hume.

Caution by Nicoll Cairncroce of Calffhill for Johnne Hume of Carralsyde, that Dame Jeane Johnnestoun, Lady Saltoun, her tenants and servants, shall be harmless of him, under a penalty of . .

Holyrood-house, 3rd Jan.

Sederunt—Cancellarius; Bothuill; Marschaell; Episcopus Dunkeldensis; Newbottle; Culrois; Coldenknowis; Clericus Registri; Linclowden. Fol. 135, a.

Charge for entry of certain Borderers.

The King, with advice of his Council, ordains Williame, Lord Hereis, warden of the West March, to enter Hobbe Ellott, *alias* Hobby of Glenvorane, Thome Armestrang, son of the late Andro Armestrang of the Gyngillis, Johnne Armestrang, called the Laird's Jok, Archie Batesoun, called Nicoll's Archie, and Willie Scott, called the Braid's Will, and also commands Lancy Armestrang of Quhithauch to enter the said Hobby Ellott, before the Privy Council upon 12th January instant, to answer *super inquirendis*, and to underlie such order as shall be given to them for the keeping of the public peace hereafter. He also charges Francis, Earl Bothuill, to cause Johnne Belwode, Englishman, taken prisoner by Hobbe Ellott, called Martin's Hobbe, to be put at liberty within three days after the charge, under pain of rebellion, or else to enter Martine Ellott of Blaidley or the said Hobbe before the Council the said day, under pain of horning. In like manner, Williame Ker of Cesfurde, warden of the Middle March, is charged to cause Aymer Restoun, Englishman, taken prisoner by Young, to be allowed to pass home, or else to enter the said Young before the Council, on the third day after the charge, under pain of rebellion; and the provost and bailies of Jedburgh are charged, under the same pain, to enter Dandy Scheillis in Jedburgh, or to answer personally before the Council the said day and under the same pain. Armestrang of Mangertoun and Lancy Armestrang of Quhithauch are to enter Johnne Armestrang, called the Laird's Jok, or to appear themselves the said day before his Highness and Council.

Holyrood-house, 6th Jan. Order for giving in complaints to the Commissioners upon the Borders.

As certain persons are appointed to "meit schortlie in sum toun or parte upoun the Bordouris for ordour-taking anent sic attemptatis as hes bene committit aganis the treateis of peax and uthirwayes to do all the gude officeis thay can for intertenying of gude nychtbourheid and satisfying parties skaithed" (cf. *ante*, p. 234), proclamation hereof is ordered in Dunse, Jedburgh, Hawik, Selkirk, Peblis, Drumfreis, and other places necessary, charging the warden clerks of the East, Middle, and West

Acta 1585–87. Marches, "and all utheris his Hienes liegis quhilkis hes to persew or crave redres," to give in their complaints and rolls to the Clerk of Register at Edinburgh by the 16th January instant.

. . . . . stoun, youngar of Jerveswode, become actit . . . . hame Stewart, kyncht, his te . . Act of caution.
. . . . . (see *ante*, 16th December, p. 234).

Fol. 135, b. Caution in £2000 by James Lawsoun of Humbie, and Mr James Hume, Commendator of Eccles, son of Sir James Hume of Coldenknowis, for Adie Armestrang, son of Thome Armestrang of Gyngillis, that, when released from the tolbooth of Edinburgh, he shall immediately repair to the Laird of Balwaird and keep true ward with him till relieved by his Majesty. Caution for Adie Armstrong.

Certain of the "domestik tennentis and servands" of George, Earl of Caithnes, having been already denounced rebels for failing to answer to the complaint of oppression made against them by Laurence, Lord Oliphant (*ante*, p. 229), the said Earl, James, Master of Sinclair, his brother, and David Sinclair, his natural brother, who had aided and abetted the said servants, are in their turn denounced for the same cause. —The narrative is an exact repetition of that recorded at pages 229, 230. Edinburgh, 8th Jan. To denounce the Earl of Caithness and his brothers for not answering Lord Oliphant's complaint.

Fol. 136, a. Caution in 5000 merks by Roger Griersoun of Lag, as principal, and James Douglas of Drumlangrig and Andro Cunynghame of Birkshaw, as sureties for him, that the said Roger, on being released from the castle of Edinburgh, shall keep ward in the burgh of Edinburgh till freed by his Majesty. Edinburgh, 23rd Jan. Caution for Grierson of Lag.

Caution in £300 by Archibald Inglis in Mordingtoun, as principal, and James Douglas, son and apparent heir of George Douglas of Parkheid, as surety, that Robert Lummisden, son of Johnne Lummisden of Blanarne, shall be harmless of the said Archibald. Caution for Archibald Inglis.

Sederunt—Cancellarius; Mar; Orknay; Deir; Newbottle; Culrois; Blantyre; Collector; Murdocairny. Holyrood-house, 24th Jan.

King's letters raised by Johnne Kennedy of Blairquhan represent as follows:—Thomas Kennedy of Bargany had maliciously alleged that he, the complainer, had been charged at the instance of the said Thomas to keep and fulfil a contract between them, "anent the tak of all landis, lordshippis, maner placeis, mylnis, fisheingis and utheris quhatsumevir pertening to Dame Margaret Lyoun, Countesse of Cassillis, in conjunct fee, lyverent or terce, sett be his Majestie to the said Thomas," in strict conformity with the clauses thereof and with "decrete of the Lordis of Counsell and Sessioun interponit to the samin," and had been denounced and put to the horn on the 24th of July last for disobedience to the same, and had remained at the horn ever since unrelaxed. By this malicious and unjust narration, there had been procured "letters be delyverance Suspension of letters obtained by Kennedy of Bargany against Kennedy of Blairquhan.

of the Lordis of Secrete Counsall, at the instance of Thomas, Maister of Glammis, thesaurare, Schir Robert Melvill of Murdocairny, knycht, his depute, and of the said Thomas Kennedy of Bargany"; by which letters "thay have causit the said Johnne and all utheris havearis, keparis and detenaris of the castellis, touris and fortaliceis of Blairquhan . and utheris pertening to him, to rander and delyver the same to the officiaris executouris of the s . . . thame upoun the expenssis of the reddiest of his rentis and levi . . . . charge the said Johnne to pas and entir his persoun in warde . . . . . thairin to remane upoun his awne expenssis ay and quhill he ha . . . command of oure saidis utheris formare letters and obtene himself . . . of horne within ten dayis nixt eftir the said charge, undir th . . . . and charge of tressoun contenit thairintill ar inco" [Here the decayed state of the record makes the next portion of the narrative very obscure; but the substance seems to be that the complainer challenged the validity of the process against him on the ground that it was in violation of two prior letters of suspension which he had obtained.] Acta 1585–87

. . . "quhairof the ane wes obtenit and daitit the xxv day of Januare, the yeir of God j^{m}v^{c}lxxxv yeiris, quhen the said complenaris procuratouris wer absent furth of the burgh of Edinburgh be occasioun of the lait pest, quha best knew the meritis and circumstanceis of the said caus, and the uthir suspensioun, eftir the returning of the said complenaris procuratouris to our burgh of Edinburgh, upoun bettir avisement and starkare ressonis, wes obtenit upoun the xv day of Februare lxxxv yeiris; with the quhilkis letters of suspensioun, first and last, the said complenare causit lauchfullie summond the said Thomas Kennedy of Bargany to have comperit befoir the saidis Lords at the dayis thairin contenit, being lang befoir the said pretendit proces of hoirning usit aganis the said complenare." Now, "albeit baith the saidis letters of suspensioun hes dependit respective in proces befoir the saidis Lordis of Sessioun sensyne, and that the first thairof, datit the said xxv day of Januare the yeir abone written, be onlie decydit, nevirtheles the last suspensioun, daitit the foirsaid xv day of Februare the same yeir, contening starkare ressonis, as yit dependis befoir the saidis Lorids undecydit, and wes callit befoir thame in Sessioun upoun the first day of Julii last, in presence of the said complenare and of the said Laird of Barganyis procuratouris comperand," nothing having been done since "for wechtyare actionis that wer in ressoning befoir the saidis Lordis, as the decrete gevin upoun the said formair suspensioun, and the saidis last letters of suspensioun yit depending undiscussit, with the minutis writin thairupoun, proportis." In these circumstances, and while the said last letters of suspension were still depending "and discharge of all officiaris as said is in the meantyme," the complainer could not have been lawfully put to the horn by virtue of "the saidis pretendit letters of hoirning, quhilkis wer suspendit as said is," and consequently "the said pretendit denunciatioun usit aganis Fol. 136, b.

Acta 1585–87. the said complenare upoun the said xxiiii day of Julii last bipast be vertew of the saidis letters" must be regarded as "null and of nane availl *ipso jure*, but ony necessitie of declaratour," and so "mon be estemit as na hoirning aganis the said complenare." His plea, therefore, is that "the saidis letters, grantit thairupoun be delyverance of the Lordis of Secrete Counsall, quhairwith the said complenare wes last chargeit suld be suspendit *simpliciter* upoun him in tyme cuming."—Sir Robert Melvill and Thomas Kennedy having been charged to appear and answer, but not appearing, while Johnne Kennedy appears personally, the Lords do order the said letters to be suspended till the same be produced and the complainer be warned thereof.

Caution for Grierson of Lag.

Caution in 2000 . . by James Dowglas of Drumlangrig and Johnne Levingstoun, younger, of Dunnypace, for Roger Greirsoun of Lag, that Estir Hill, relict of Archibald Newall, burgess of Drumfreis, her kin, tenants and servants, shall be harmless of the said Roger.

Fol. 137, a

Holyrood-house, 27th Jan. Act forbidding exportation of herring this year.

The King and Council understanding that "thair is skairslie sic quantitie of hering tane in the North and West Lochis and Ilis of this realme this present yeir as will serve to the furnissing of his Majesteis awne subjectis within the same, far les to be transported furth thairof as hes bene accustomat the yeiris preceding," proclamation is ordered at the market crosses of Edinburgh, Leyth, Dundee, Sanctandrois, Craill, Anstruthir, Pettinweyme, Kirkcaldy, Dysart, Kinghorne, Brintiland, Inverkething, Glasgu, Dunbartane, Air, Irving, and other places needful, forbidding skippers, mariners, merchants or owners of herring to export the same in great or small quantity this present year, "unto the tyme ordour be tane that all esteatis of personis within this realme be furnissit of the said hering," under penalty of confiscation of the herring, together with the ships and goods of the exporters and owners. For the better execution of this Act the provosts and bailies of the said burghs are ordained "to arreist and stay all and quhatsumevir schippis and veschellis already ladin with the said hering, tak the saillis fra the rais, quhairthrow thay depart nocht unto the tyme thay have disburdynnit thame of the same hering."

Holyrood-house, 29th Jan. Caution for Lady Knockdolian.

Caution in £500 by Hew Montgomery of Hessilheid for "Maistres" Elizabeth Semple, relict of Robert Grahame of Knokdoleane, that she shall deliver the place of Auchincloich to Sir James Edmestoun of Duntreith, or Johnne Grahame of Knokdoleane, in case it be found by the Lords of Secret Council she ought.

1st Feb. Caution for the Laird of Buccleuch.

Registration of a band by which Sir Johnne Edmestoun of that Ilk becomes bound for Walter Scott of Branxholme, that he shall relieve his Majesty and his wardens "of all attemptatis aganis the peace with England," committed by him and others for whom he is responsible; also, that he shall present "sic as he is debtbound" to answer for and

"satisfie pairteis skaytheit." The said Walter, with advice of his curators subscribing on . . day of January, becomes bound to relieve his surety of this caution . . . . . Acta 1585–87.

Caution for Sir Alexander Stewart.

Caution in 5000 merks by Richard Abircrumby of Poltoun . . for Sir Alexander Stewart . . . , that . . . shall be harmless of the said Sir Alexander,—Alexander Stewart of Brighouse and the said Alexander becoming cautioners in relief. Fol. 137, b.

Caution for certain men of Crail.

Caution by Andro Murray of Balwaird (Arnegosk) for Andro Daw and James Geddy, bailies of Carraill, either of them in 1000 merks, and for Johnne Bowsy, Stevin Moncreiff, Williame Mortoun, and Johnne Davidsoun, inhabitants of Carraill, in 500 merks each, that Johnne Ramsay, common clerk of the said burgh, his bairns and servants, shall be harmless of the said persons.

Caution for John and James Kay.

Caution to the same effect by David Meldrum, brother of James Meldrum of Segy, and Johnne Douglas (bailie), burgesses of Carraill, for Johnne Kay and James Kay, in Carraill, his brother, either of them in 500 merks.

Holyrood-house, 31st Jan.

Sederunt—Cancellarius; Thesaurarius; Archiepiscopus Sanctiandree; Episcopus Orcadensis; Neubottle; Culrois; Pluscarden; Blantyre; Clericus Registri; Clericus Justiciarie; Jacobus Meldrum de Segy; Coldenknowis; Computorum Rotulator; Collector Generalis Murdocairny.

To denounce Lord Herries and Maxwell of Cavers.

King's letters raised by James Gordoun of Barnbarrauch set forth that Richie and Robert Hereis, having failed to answer to his complaint of oppressions and depredations, had been, for their disobedience, denounced rebels, and that thereupon their masters and landlords, viz., Williame, Lord Hereis, and Harbart Maxwall of Caveris, had been charged to enter them before the Council under pain of horning (*ante*, p. 202).—Lord Hereis and Harbart Maxwall being now called, and not appearing, while Gordoun appears by James Gordoun of Enrig, as his procurator, the order is to denounce Lord Hereis and Harbart Maxwall rebels. Fol. 138, a.

Caution for Andrew Gaw and others.

Registration, by Alexander King, advocate, as procurator for the parties, of band as follows:—Johnne Gawane in Auchluneis having charged Walter Lowsoun, Andro Menzeis, and Johnne Leslie, burgess of Abirdene, "be vertew of oure Soverane Lordis letters of lawborrous to the effect eftirspecified," Walter becomes surety for Andro Gaw, burgess of the said burgh, Andro for Johnne Collysoun, also burgess, and Johnne Leslie for Johnne Gaw in Auchluneis, and James and Johnne Gawis, his sons, that the said Johnne Gawane, his tenants and servants, shall be harmless of the foresaid persons, under a penalty of 300 merks each, "or les be the discretioun and in the optioun of the Lordis of our Soverane . . . . Counsall, and that becaus the saidis Johnne Gaw in Auchlunies . . Gaw, his sonis, ar bot pure honnest husbandmen of ane pleuch of . . and his saidis twa

Acta 1585–87. sones bot bairnis in the house with the fader . . yeiris auld." There is obligation of relief by the finders of the caution [but the name of the place where the band was executed, and the names of the witnesses, have disappeared from the Register].

Fol. 138, b. With reference to the Act of the Linlithgow Parliament of 1585 (iii. 422) remitting it to the King to do as he might think "maist requisite and expedient tuicheing the ratificatioun and approbatioun of the gude and lovable Act of James the First" [for securing a regular representation of the Lesser Barons in Parliament], and also to the fact that his Majesty, "eftir his lauchfull and perfyte age of xxi yeiris compleit," had ratified this old Act by his declaration in the Parliament of July 1587 (iii. 509), "ordaning the commissionaris of all shyres of this realme, according to the nowmer and maner specifeit in the said Act maid at Lynlythqu, to be callit to the Parliamentis or Generall Counsallis, at the first be vertew of preceptis furth of the chancellarie or be his Hienes missive letters or chargeis, and in all tymes thaireftir be preceptis of the chancellarie as salbe direct to the uthiris esteatis" (see *ante*, p. 201, note, and p. 227), his Majesty now, with advice of his Council, "ordanis letters to be direct, chargeing all and sindrie freehaldaris of the King, undir the degree of Prelattis and Lordis of Parliament, within every shereffdome of this realme, in generall or be thair names in speciall, be oppin proclamatioun at the mercatt croceis of the heid burrowis thairoff, to convene within the tolbuith of the saidis heid burrowis at the dayis to be appointit thairto, and, thair being convenit, to cheis twa wyse men, being the Kingis frehaldaris, resident induellaris of the shyre, of gude rent and weill estemit as commissionaris of the same shyre, to cum to sic Parliamentis or Generall Counsallis as sall occur, as thay salbe callit or requirit, quhill the heid courte eftir Michaelmes nixt to cum, that than new commissionaris may be chosin for the yeir to cum thaireftir, and swa furth yeirlie in tyme cuming, according to the said first Act of King James the First and utheris Actis foirsaidis past sensyne, as the saidis frehaldaris will answer upoun thair obedience to his Hienes, and forder undir the pane of rebellioun and putting of thame to the horne."

Holyrood-house, 1st Feb. Order for executing the Acts of Parliament requiring the election of Commissioners to represent the shires in Parliament.

"Forsamekle as, upoun speciall and gude respectis moving the small barronis and frehaldaris of this realme laitlie at the tyme of his Hienes Parliament haldin in the moneth of Julii last, thay maid ane free and willing offer to his Majestie, for the necessar supporte of the effearis of his estate, of the sowme of fourty thowsand pundis money of this realme, to be payit at three termes, and presentlie, ane certane nowmer of the saidis small barronis and freehaldaris being convenit at his Majesteis speciall command and directioun as Commissionaris of the Shyris, and having conferrit with sum speciall personageis of his Hienes Counsall alsweill upoun the maner as termes of payment of the said sowme, it is thocht expedient and accordit, with his Majesteis consent (quhairunto his Hienes hes interponit and be the tennour heirof interponis his authoritie), that

Order for payment of the third part of the taxation of £40,000 granted by the small barons to the King for their votes in Parliament.

the thrid pairt of the said sowme, extending to twenty thowsand merkis, Acta 1585-87.
salbe uptakin in maner following, and payit to Thomas, Maister of Glammis, his Majesteis Thesaurare, in his Hienes name and to his behuiff, betuix and the last day of Marche nixt to cum, and, to that effect, that letters be direct chargeing all and sindrie barronis and freehadlaris of the King, undir the degree of Prelattis and Lordis of Parliament, within every sherefdome of this realme, in generall or be thair names in speciall, be oppin proclamatioun at the mercatt croceis of the heid burrowis thairof, to convene within the tolbuithis of the saidis heid burrowis, at the dayis to be appointit thairto, and, thair being convenit, to elect and cheis ane man, being the Kingis freehaldare, resident induellar within that shyre, to be collector for uplifting and inbringing of the said taxatioun within the same shyre, undir the pane of rebellioun and putting of thame to the horne, and, giff thay failyie thairin, the said day being bipast, to denunce thame rebellis and putt thame thairto and to eschete, etc.; and, the said electioun being maid, to charge the persoun swa electit to accept the charge upoun him in uplifting and inbringing of the same taxatioun, according to the taxt roll maid thairupoun, within xxiiii houris nixt eftir he be chargeit thairto, undir the pane of rebellioun and putting of him to the horne, and, giff he failyie thairin, the saidis xxiiii houris . . . . . for mair sure payment of the same sowme, t . . . . . in that parte, chargeing thame to lift and . . . . . ney of this realme for every pund land of . . . . barronis . free-haldaris haldin be . . . . . or haldin of th . . . . .

Acta 1585–87. Williame, Lord Hereis, warden of the West March, having disobeyed the charge to appear before the Council "to have gevin his avise in sic thingis as concernit the said West Marche and quieting of the present estate thairof," is ordered to be denounced rebel.—(See *ante*, p. 244.)

Holyrood-house, 2nd Feb. Lord Herries denounced anew.

The King, with advice of his Council, resolves that, if any licence shall be granted hereafter for exporting forbidden goods, the same shall have no credit unless subscribed by the Treasurer, or his depute, and the Comptroller, "sittand togidder in chekker," and verified as so passed by the subscription of the Clerk of Register on the back thereof. The keepers of the signet are, accordingly, discharged from affixing the signet to any licence wanting the said subscriptions and verification.

When licence for exporting forbidden goods shall be valid.

Williame, Lord Hereis, having been "maid and constitute wardane of the West Marche of this realme," and, for the better discharge and execution of his office, pledges having been "ressavit of all the brokin men dwelland within that Marche, except of thame dwelland upoun his awne landis, and upoun the landis and boundis pertening to Johnne, Lord . , his cousing, for quhome be the general band he standis alwayis bound," the King and Council had hoped that, "in respect of this his promotioun" and of the good will shown to him by his Majesty at all times, "he suld have faithfullie . . . his said office, and randerit himself and all his actionis to his . . . tioun of the publict peace and quietnes of the cuntrey." But, contrary to his Majesty's expectation, "he hes of lait not onlie shawne himself . . . . . office; for the quhilk caus he being requirit be his Hienes . . . contempnandlie dissobeyit, bot to the forder cont . . . up and houndit oute the haill thevis and brokin . . . oppressionis, rubbereis and all kynd of insolen . . . . . gude subjectis, besydis . . . . . the houssis and guidis . . . . . .

Holyrood-house. 3rd Feb. Lord Herries has failed in his duty as Warden of the West March; his Majesty's intention to proceed thither; order for musters to meet His Majesty.

Fol. 139, b. Lord Herries having "thus way schawne himselff ingrait and schaikin of his dew obedience," his Majesty is now moved, "for the bettir advancement of the trew relligioun, repressing of supersitioun and idolatrie, preservatioun of the publict peax endangerit be this kynd of doing, ease and quietnes of his Majesteis gude subjectis, and eschewing of forder inconvenient," to repair in proper person to the said West March. "For quhilk purpois seing it is necessar that his Hienes be weill and substantiouslie accumpanyed with his Hienes faithfull subjectis," the earls, lords, barons, feuars, freeholders and substantious gentlemen, and the inhabitants of burghs, between 60 and 16 years of age, dwelling within

By having a direct hold of the Lesser Barons in Parliament, and through the machinery in the shires for electing their representatives, the King could expect to make them contribute more effectively and regularly to taxes and subsidies. Hence, probably, the apathy among the Lairds on the subject of their new Parliamentary rights.

the bounds of the shires of Edinburgh, Hadingtoun, Beruick, Roxburgh, Selkirk, Peblis, Perth, Fyffe, Lynlythgu, Striviling, and stewartry of Stratharne, are to be charged, by open proclamation at the market crosses of the head burghs of the same, to meet his Majesty at Edinburgh upon the 1st of March next, and the said inhabitants of the shires of Drumfreis, Renfrew, and stewartries of Kirkcudbrycht and Annanderdale, at the town of Sanquhair, upon the 3rd March, well armed and provided with 30 days' victuals, "and frathyne to pas fordwart for persute of the saidis dissobedient and disordourit personis and reduceing of thame to his Hienes obedience," under the pain of loss of life, lands and goods. "Attour, his Majestie, considdering quhat hinder it salbe to his Hienes service giff the licenceis grantit be inoportune sute to a grite nowmer of personis to remane fra raidis that ar able of thame selffis for travell salbe sufferrit to tak effect," annuls all the said licences, and ordains the Justice and Justice Clerk "to proceid and minister justice aganis the personis subject and comprehendit in this present proclamatioun quhilkis sall remane at hame." Acta 1585-87.

Holyrood-house, 5th Feb. Charge to Lord Herries to appear before the Council.

Williame, Lord Hereis, remaining at the horn, to which he has been put for his disobedience (p. 247), "occasioun is ministrat to thevis and brokin men to committ all kynd of reiffis, heirshippis and depredationis [not less] to the endangering of the publict peace standing betuix the twa realmes then to the hurte of his Hienes peceable and gude subjectis." Wherefore his Majesty, with advice of his Council, ordains Lord Hereis to be charged once more to appear before the Council at Haliruidhous upon the 4th of March next, to answer for his disobedience and to give his advice for the quieting of the West March, under pain of ."

. "Majestie with avise of the . . . . . .

. . . . . .

[A leaf of the Register appears to be wanting here.]

Holyrood-house, 7th Feb.[1] "To denunce Robert, Lord Semple, and uthiris."

Sederunt—Cancellarius; Angus; Marshaell; Thesaurarius; Deir; Neubottle; Pluscarden; Computorum Rotulator; Clericus Registri; Collector. Fol. 140, a.

Complaint of Andro, Master of Semple, Williame Semple, his son, and Johnne Ros, his servant, as follows:—Robert, Lord Semple, Robert Mure

[1] On the preceding day, February 6, there had met, in Edinburgh, another General Assembly of the Kirk. It was an extraordinary meeting of that body, summoned by Andrew Melville, by virtue of the powers entrusted to him as Moderator of the last Assembly. For the proceedings of this Assembly through its sixteen sittings see *Booke of the Universall Kirk*, pp. 323–332, and Calderwood, iv. 649–676. The key-note of the main procedings was struck by Melville in his opening address, explaining why the Assembly had been called. Was it not notorious that Philip II. of Spain was far advanced in the main preparations for a vast invasion of the island, with a view to the conquest of England in the first place, but also to the subversion of Protestantism in both kingdoms; was there not already an evident increase of the activity of Jesuits and other Roman Catholic factionaries in Scotland in expectation and aid of such an invasion; was there not an ominous and hardly concealed correspondence of some of the most influential of these factionaries with Spain and the other Roman Catholic powers? Roused by this appeal, the

Acta 1585–87. of Cauldwell, Robert Semple of Craigbait, Gabriell Semple, his brother, Johnne Semple, son of the late Johnne Semple of Bruntsheillis, Johnne Semple of Brigend, Thomas Semple of Grenesyde, Richard Glen, James Robesoun, Johnne Mure in Ferryneis, Alexander Mure, natural brother of Robert Mure of Cauldwell, Johnne Mure, cook to the said Lord, Hew Girvane, Johnne Brady, Umphra Brady, Umphra Marshaell, Gilbert Smyth, Williame Semple of Sheillis, Johnne Marshaell of Cathodik, Marshaellis, his sons, Williame Hair of Pennell, James Widdro of Daff, Johnne Kirkland in the Manis of Lavill, Montgomery in Portarth, Montgomery in Kilruscar, Michaell Marshaell in Glasfurd, Henry Baverage, Mr Alexander Hammiltoun in Glasfurde, Johnne Semple of Middiltoun, Gawine Young in the Mure of Kilbryde, with their accomplices, tenants and servants of the said Lord, as also James Cumyng in Harslingtoun, Williame Allasoun in Mercathill, Johnne Marshaell in Chapeltoun, Robert Lufe in Corslett, Robert Speir there, Johnne Mure in Shirtingflatt, had, in June, July, August, and September last, and at other times since, "come to the said complenaris landis of Sowtarflatt, and bosted, minassed and injured the tennentis thairof, prohibite and dischargeit thame, upoun the pane of thair lyveis and hanging of thame ouer thair awne bakis, that thay on nawayes suld answer nor mak payment to the said complenare of thair fermes and dewiteis addettit to him of the crope and yeir of God lxxxvii, nor acknawlege him as thair maister and landislord, intending be this forme of violence and dwanging of the said complenaris saidis tennentis to seclude

Assembly, presided over by Mr Robert Bruce, then a man of rising importance in the Kirk, employed itself most energetically on the subject so recommended to its care. There were addresses to the King, with a memorial enumerating specifically by name the more notorious Roman Catholic agents then at work in the different districts. In the north there were Mr James Gordon, Mr Edmund Hay, Alexander MacWhirrie, John Scott, Alexander Meldrum, and William Panton, all Jesuits, "making residence chiefly in Moray and Strathbogie, but seducing everywhere in Buchan, Garrioch, Aberdeen, Mar." Mr James Gordon, and another Jesuit, Mr William Crichton, were at that moment in Edinburgh. In Dumfries a Jesuit, Mr John Durie, had been recently preaching and setting up mass, under an assumed name. A list was given also of Scottish nobles, lairds, and ladies in sympathy with these Jesuits and co-operating with them. Lord Herries, whom the King had just seen fit to call to account independently for misconduct in his wardenship of the West March, was accused specially of having been an accomplice with the Jesuit Durie in setting up mass in Dumfries and ejecting the Protestant ministers from that town; and among the others accused, vaguely or particularly, were the Ladies Herries, elder and younger, Lady Morton, Lady Tweeddale, the Laird of Leslie, young William Douglas of Glenbervie, the Earl of Huntly, the Earl of Sutherland, Lord Gray, Lady Fernihirst, Lady Minto, the Mistress of Livingston, the Laird of Fintry, and Lady Mar. The King at first seemed to resent this intrusion of the advice of the Assembly into his affairs; but, his councillors on the whole sharing the alarm of the clergy, he thanked the Assembly, and gave the clergy to understand that he and his Council would co-operate with them most heartily in devising measures for the crisis, and especially "anent the purging of the land of idolatrie and seditious enticers." Such was the mood in Scotland in February 1587–88, in anticipation of that great Spanish invasion the exact date of which and the place or places where the landing would be attempted were still but matters of guess. King James himself, it was thought, might well lead in such a mood, having all that winter, been "occupied in commenting upon the Apocalypse, and in setting out of sermontes thairupon against the Papists and Spainyarts" (*Autobiography of James Melville*, p. 260). It was feared, however, that he might be less zealous in action than on paper.

him alluterlie fra the saidis landis, without all ordour of law and justice, and to appropriat the same to the said Lord himselff. Like as the said Lord hes oppinlie avowit and spokin that, giff the said complenare sall onywayes meane himselff or sute redres be the law, that he sall fessin his feit, usand himselff heirby maist ingraitlie, unnaturallie and unthankfullie aganis the said complenare, without ony deserving on his parte. And, upoun the thrid day of December last, the saidis Gabriell Semple, Johnne Semple, and Hew Girvane, of the cawsing and command of the said Lord and of the said Robert Semple of Craigbait, come to the said complenaris landis of Bruntsheillis, to the houssis of Johnne Pinkertoun, James Gib, and Williame Mudy, his servandis, undir cloud and silence of nycht, and maisterfullie and perforce brak up the durris of the saidis houssis, enterit thairintill, putt violent handis in the said complenaris saidis servandis, his Majestie free legis, tuke thame furth of thair saidis houssis, and led thame as captives and prisonaris with thame to the place of Semple, quhair thay layd thame in the irnes and stokkis, and held and kepit thame thairintill the space of aucht dayis." Moreover, "the said Lord Semple, upoun the xiiii day of Januare instant, minassed and bosted David Wilsoun, messinger, in the executioun of ane precept of the commissar of Glasgu, rased at the instance of the said complenare aganis the said . . . . the said messinger and detenit him as captive and prisonare unto the . . aith that he suld deny his executionis."—[Of the record of the proceedings of the Council in this case, leading to the result intimated in the marginal summary, the following is all that is decipherable]:—"An . . . . Robert, Lord Semple, Johnne Mure in Fairneis, Johnne Mure in . . . riell Semple, his bruthir, Thomas Semple of Grenesyde . . . . . Bruntsheillis, Robert Mure of Cauldwell, Alexander Mure . . . . . Glen, James Robesoun and Williame Semple in Sh . . . . . his Majestie and Lordis of . . . . . and to have . . . . . ." Acta 1585–87.

To denounce James Johnston of that Ilk.

James Johnnestoun of that Ilk having failed to enter his men, Edward Irwing of Bonschaw, and Will Irwing of Kirkconnell, his son, tenants to the said James, before the Council, as charged, "to have gevin suretie that thai and sic as duellis upoun thair landis and heritage salbe answerable to the lawis and releve his Majestie and his wardanis for all attemptatis be thame," the Lords order Johnnestoun to be denounced rebel. Fol. 140, b.

Charge to Mr William Leslie to find caution.

Upon the complaint of James Arbuthnott of Lentushe against Mr Williame Leslie, touching the ejection of the said James, his daughter and servants, from the lands and houses of Lentushe, and intromission with the writs and goods therein, both parties being present, the Lords command Mr Williame, within 24 hours after being charged, under pain of rebellion, to find caution in £2000 that the said James, his bairns, tenants and servants, shall be harmless of him.

Acta 1585–87. Caution by Richard Spens of Chirnesyde Manis for David Lummisden in Rikkilsyde, and Patrik Lummisden, his brother, in 500 merks either of them, that Archibald Inglis in Mordingtoun, his tenants and servants, shall be harmless of them. Edinburgh, 9th Feb. Caution for David and Patrick Lumsden.

Caution in £2000 by Alexander, Lord Hume, and Johnne Gordoun of Buckie, for Mr Williame Leslie, that James Arbuthnott of Lentushe shall be harmless of him. Holyrood-house, 11th Feb. Caution for Mr William Leslie.

Sederunt— . . . . . Holyrood-house,
. . . . . 14th Feb.
Culrois; Collector.

Fol. 141, a. Opens with the word "Rex" and proceeds to state that, Mr . . Sir James Forrestar of Corstorphin, and Thomas Ottirburne of Reidhall having, at his Majesty's "speciall desyre," become sureties for "us" to pay to Sir Patrik Vans of Barnbarrauch the sum of £1890 upon a certain day now past, his Majesty, when they granted their obligation, had "faithfullie promittit in the inviolable word of a Prince" to relieve his said cautioners of the said sum, and to that effect had ordained his treasurer, comptroller, and collectors whomsoever to pay to them the said sum out of the first taxation collected within this realm. "According the quhilk," and "continewand in the same intentioun," the King now, with advice of his Council, appoints the foresaid persons, his creditors, to be collectors of the 40,000 merks "restand to us of the secund or thrid termes payment at thair optioun of the sowme of fourty thowsand pundis money foirsaid grantit to us be the barronis of our realme for granting to thame of vote and place in our Parliamentis heireftir,[1] within the boundis of oure schirefdomes of Forfar, Fyffe, stewartrie thairof, Clakmannane, Striviling, Lynlythqu, Edinburgh principall and within the constabularie of Hadingtoun and Beruik," notwithstanding of any other collector already appointed or that may be hereafter appointed for the inbringing of the said sum. The persons now appointed collectors are accordingly invested with all the necessary powers within the shires and bounds concerned, and it is provided that they shall make count and reckoning of their intromissions to the Treasurer or Comptroller or Collector, or other officer to be appointed to that effect, deducting for their own use from the "first end" of the amount collected by them the said sum of £1890, as well as the expenses disbursed by them in collecting the said stent or tax. In redemption of a promise of his Majesty, certain persons are appointed collectors of the remainder of the £40,000 owing to the King by the Lesser Barons, with power to deduct out of the first proceeds thereof £1890 due to them by his Majesty.

. . ne Lordis letters rased at . . To denounce William Scott.
. . . . . .
. . . . . .
hie and manifest contemptioun of his Majesteis authoritie and lawis and

[1] This clause would bear that the Lesser Barons had voted the King the £40,000 as purchase-money of the Parliamentary privilege for their order,—a fact hardly implied in any of the preceding notices of the concession in the Register, but frequently afterwards assumed.

to the evill example of utheris wicked and godles personis to attempt the lyke aganis the ministerie giff this remane unpunist." Williame Scott having failed to answer to this complaint, and the said Robert . appearing personally, the Lords of Secret Council order Williame to be denounced rebel. Acta 1585–87. Fol. 141, b.

Suspension of letters of horning against Herbert Maxwell in Kirkmaho.

King's letters raised by Robert Raa in Dalscone mention that, upon complaint made by him, he had obtained letters denouncing Harbart Maxwall in Kirkmaho rebel for his failure to answer to a complaint touching certain injuries and oppressions committed by him against the said complainer (see *ante*, p. 206). Harbart, however, upon "certane frivole allegeanceis," obtained suspensioun of the said letters till a certain day in December last, and, the "same suspensioun being callit" upon 6th December last (*ante*, p. 233), the letters then, in respect of the complainer's non-appearance, had been "suspendit unto the tyme the said complenare comperit and produce the said letters." Now, "the said complenaris not comperance at the day foirsaid procedit not throw laik of gude ressonis to have fortifeid and mantenit the saidis letters, bot throw occasioun of the continewation of the supreme jugement within this realme be occasioun of the pest quhairwith the burgh of Edinburgh and the Cannogait wer than visite; quhairby the said complenare wes surelie perswadit and informed that the jugement of the Secreit Counsall suld lykewayes have ceissed for ane certane space." He is now content, however, to appear and plead his reasons.—Harbart having been charged to appear this day, viz., the 14th day of February, to hear "justice ministrat" in this case, and Robert appearing by Robert Duncane his procurator, and Harbart appearing personally, the Lords suspend *simpliciter* the foresaid letters of horning executed by Raa against Maxwall, because the said procurator, when asked if he had anything to lay to the charge of Harbart, replied that he had not, his duty being only to produce the foresaid letters

"Anent the supplicatioun presentit to the Kingis Majestie . .
. . . burges of Edinburgh, makand mentioun that .
. . . . having laitlie intentit actioun aganis the
. . . . . off certane sowmes of mon .
. . . . . quhairupoun

[This volume of the Register, here ending abruptly, is more or less injured throughout by damp on the lower part of almost every folio.]

Acta 1585–87. "The Estate of Bishops." Fol. 16, a.

Fol. 16, b.

Holyrood-house, 19th Feb. Discharge of conventions without his Majesty's licence.

"The Kingis Majestie hearing sindrie bruittes, reportis and privie quisperingis of sum uproare and insurrectioun to be maid within this realme, pairtlie for the caus of religioun and pairtlie for som otheris particular actiounes, and being moved sumquhat thairby, and be the sindrie conventiounes, conventicles, privie and publict trystis and meitingis keipit of late amongst some of his Hienes nobilitie and otheris his subjectis in divers his Hienes burrowis and utheris pairtis of this realme, his Majestie being nowayes maid privie of the caussis of sick conventiounes, nor yit the samyne being done be his foirknawledge or allowance; and sieing it becomes alwayes his Majestie of his princelie honor and dewtie to repres and stay all monopolles and factiounes, as also to forsie and withstand all actiounes and motiounes quhilkis may seim hurtfull to the trew religioun presentlie professed and avowit to be mentainit be his Hienes, endanger his Majesties persone or disquiet the present estate of the cuntree: For the same purpos his Majestie, with advys of the Lordis of his Secreit Counsell, ordaines letters to be direct to officeris of armes, shereffis in that pairt, chairgeing thame to pas to the mercat croces of the heid burrowis of this realme and utheris places neidfull, and thair, be oppin proclamatioun in his Hienes name and authoritie, signifie and declair his Majesties mislyking and discontentment of the saidis conventionis, conventicles, privie and publict trystis and meittingis; and thairfoir to command and chairge all and sindrie persones, off what estate, qualitie or degrie soever they be off, that nane of thame tak upone hand to appoint or keip anie sick conventiounes, conventicles, privie or publict trystis or meittingis in quhatsumevir pairt of this realme, or assist the persones conveining in tyme cuming, under whatsumevir cullour or pretence, without his Majesties privitie, allowance, tollerance and licence had to the same effect, under the payne of treassoun; certifieing thame, and they do in the contrair, they sall be reput, haldin, estimit and persewit as seditious persones, moveris and reaseris of truble and insurrectioun, to the overthraw of the trew religioun, hurt of his Hienes persone, and disquietting of the present estaitt, and the paines of treassoun sall be execute upone thame with all rigour and extremitie, in example of otheris."[1]

[1] The Register being defective in February instant, this Act is taken from a MS. volume titled "Acts of the Privy Council relating to the Estate of Bishops, 1571–1607," and consisting of authenticated extracts of parts of the Original Register of the Council referring to ecclesiastical subjects. (See Register Privy Council, vol. iii. p. 770, note.)

Holyrood-house, 1st March.[1]

Sederunt—PRESENTE REGE—Joannes Maitland de Thirlstane, Cancellarius; Joannes, Comes de Mar; Thomas, Magister de Glammis, Thsaurarius; Adam, Episcopus Orcadensis; Alexander, Commendatarius de Culrois; Marcus, Commendatarius de Newbottle; Alexander, Commendatarius de Pluscardin; Jacobus Hume de Coldenknowis; Alexander Hay de Eister Kennett, Clericus Registri; Ludovicus Bellenden de Auchnoule, miles, Clericus Justiciarie; Joannes Seytoun de Barnis, Computorum Rotulator; Magister Robertus Douglas, prepositus de Linclowden, Collector Generalis; Robertus Melvill de Murdocairny. Reg. Sec. Con., Acta 1587–89. Page 1.

Order to denounce Hucheon Monro and a number of others for not appearing to a charge of obstructing bailie courts in the earldom of Ross.

King's letters raised by Sir Williame Keith of Delneis, heritable feuar of the said barony and bailie principal of the earldom of Ros and lordship of Ardmannoch, Johnne Vaus of Lochslyne, his bailie depute, and Johnne Keyth, apparent of Ravunscraig, his Majesty's immediate bailie, appointed for uplifting the rents and duties of the earldom and lordship foresaid, set forth that, while Johnne Keyth and Johnne Vaus were, upon 27th December last, holding their bailie courts within the barony of

[1] The following notes may help to fill up the gap between the last entry and the present:—*The Affair of Lord Herries.* According to Calderwood (iv. 676, 677), this affair did not stand alone, but was connected with a conspiracy among some of the nobles, more especially those of Roman Catholic sympathies and proclivities, for a change in the government. "Upon the 16th of Februar," he says, "the courteours were informed that the Lord Hammiltoun, Huntlie, Hereis, Glencarne, Paisley, and the rest of their associates, were conveened at Linlithquo. The King sent Patrik Muney, one of his speciall courteours, to Huntlie, to learne the certaintie. Huntlie assured him they intended no alteratioun, and promised to come in to the King. The King, pretending to goe furth to the hunting, mett with Huntlie at Cramond. He came in with the King to Halyrudhous, and lay in the King's owne chamber; was weill lyked of by the King, for what causes it was not knowne. The Lord Hereis came the same night to the King's chamber, and conferred with the King." Spotswood also notices, though less in detail, this sudden submission of Lord Herries to the King (p. 368).—*National Band in defence of the Kingdom and the Reformed Religion against the expected Roman Catholic Invasion.* The excitement roused by the late General Assembly of the Kirk on the subjects of the expected Spanish Invasion and the alleged preparations in aid of it by Roman Catholic factionaries and agents at home (*ante*, p. 248, footnote) had not yet exhausted itself. One of the last resolutions of the Assembly had been: "All ministers within their paroches with all diligence shall travell with the Noblemen, Barrones, and Gentlemen, to subscryve the Confession of Fayth, and to report their diligence to the next Assembly." Accordingly, at Holyroodhouse, on the 25th of February, the King, Lennox, Huntly, Chancellor Maitland, and about ninty-five others had subscribed the Confession of Faith, and there had been the beginning of a general swearing by all ranks to "a solemn league of allegiance and mutual defence, approved by his Majesty and zealously promoted by the ministers of the Church." M'Crie, who gives an account of this Band, and points out that, by a strange mistake, Robertson confounds it with the original National Covenant of seven years before, adds: "By these means Scotland was put in a state of defence, and, in concert with England, awaited the result of the formidable preparations of Spain" ("Life of Melville," i. 292, 293).

Acta 1587–89. Delneis, for administering justice to the King's proper tenants within the said earldom and lordship, Andro Monro of Newmoir, Johnne Monro of Balcur, David Monro in Mege, George Monro of Mekill Terrill, Donald Monro of Tarleke, Williame Monro, Donald Monro's son in Mekle Allane, Andro Monro, son of Andro Monro of Newmoir, Johnne Monro, his brother, Johnne Monro in Pitchonnacht, Johnne Monro, his son, Andro Monro, his son, Hucheoun Monro in Fyris, David Monro, his brother, Farchir Monro, his brother, George Monro of Lemlaych, son of the Laird of Foullis, Johnne Monro, his brother, Hucheoun Monro, son of the late Andro Monro of Mege, George Monro, his brother, Johnne Monro, writer, Williame Monro in Alnes, Robert Monro, Andro's son, Farchar Monro, portioner of Kilteane, Williame Monro in Mekill Allane, Donald Monro, his son, Andro Monro in Rosmark, Williame Monro, minister at Cullecudyn, Hucehoun Monro, his brother, Robert Monro, his brother, Donald Monro, his brother, Andro Denune in Mekle Rany, Alexander Denune in Rareche, Walter Ros, apparent of Ballemuke, Hucheoun Ros, his son, Donald, his brother, in Drumneddeth, Andro Ros in Rares, Andro Ros, servitor to the Laird of Balnagowne, Mr Johnne Ros, parson of Logy, David Ros, his brother, Walter Douglas, burgess of Thayne, Donald Moir there, Andro M°Culloch there, Johnne Reid there, Finla Ferme in Pittallas, Donald Gibsoun in Nig, Petrie Johnnestoun in Kynnettis, Hucheoun Reoch *alias* Ros, Hucheoun Ros in Mekle Allane, and Alexander Ros, son of "persone" Roskyn, accompanied by many others, to the number of 400 persons, all armed with "jakkis, steilbonnettis, pistollis, bowis, darlochs," and other weapons, came to the place where the complainers were sitting in judgment, "and thair planelie declairit that thay wer come expreslie to be revengeit of ane

Page 2. allegeit wrang done in the said courte to the said Andro Monro of Newmoir of befoir: quhairupoun immediatiatlie, be thair maist insolent behaviour and sindrie contumelious speichis utterit be thame, thay interponit thame to the halding of the said courte, and compellit the saidis complenaris to ryse and leave all forder prosequutioun of justice the said day."—The said Hucheoun Monro, brother of David Monro of Neig, Donald Monro of Talbachie, Johnne Monro in Pitconachie, Williame Monro in Mekill Allane, Donald Monro, his son, Andro Dennune in Mekle Ranye, Alexander Dennune in Raruchie, Mr Johnne Ros in Litill Carrell, parson of Logy, Walter Douglas, burgess of Tayne, Andro M°Culloch there, Johnne Reid there, Donald Gibsoun in Petcallan, Finla Ferme there, Hucheoun Ros in Mekill Allane, Donald Ros in Drummediet, Robert Monro, son of Andro Monro of Newmoir, Donald Gibsoun in Nig, Walter Ros, apparent of Ballamuthie, Andro Ros in Rarichie, David Ros in Skardie, Hucheoun Reauch *alias* Ros in Drumgild, Alexander Ros, son of the parson of Roskene, in Mylntoun, Johnne Monro in Bakny, Andro Monro, son of Andro Monro of Newmoir, Johnne and Andro Monros, sons of the said Johnne Monro of Pitchonoch, Johnne Monro, son of the Laird of Foullis, Hucheoun Monro of

Fyreis, Williame Monro in Alneis, Falchar Monro, portioner of Kinteis, Acta 1587–89.
Williame Monro, minister at Cullicudin, Andro Monro in Rosmarky, and Patrik Johnnestoun in Kynnettis, having been cited, but not appearing, and Sir Williame Keyth and Johnne Vaus appearing for themselves and for Johnne Keyth, apparent of Ravunscraig, the Lords of Secret Council ordain the defaulters to be denounced rebels.

Suspension of letters of horning against Lady Knockdolian.

King's letters raised by Mistress Elizabeth Semple, relict of Robert Grahame of Knokdoleane, state that, "upoun sinister and wrang informatioun and inoportune sute maid to his Majestie," Johnne Grahame of Knokdoleane has lately obtained privy letters, under the King's subscription and signet only, without the advice or consent of the Secret Council, charging her, under pain of rebellion, to deliver the place of Auchincloich, at present occupied by her, to Sir James Edmestoun of Duntreith, "mynding in cais of dissobedience to caus denunce hir rebell and putt hir to the horne." Now, the said place and lands of Auchincloch having been "conqueist" by her late spouse, and he and she and their children having been duly seised in the said place, she had continued after his death peaceably to occupy the same, the said Johnne Grahame claiming no interest in the lands; nor in the privy letters obtained by him "hes he qualifeit ony richt thairof to be establissit in his persone." Even if it had been otherwise, yet, "seing sho is possessour presentlie of the said place," the said letters should not have been directed till she had been lawfully called, "and that tryale and cognitioun had precedit, according to the daylie practique observit in sic caissis." At the same time she has found caution to render the said place to Sir James or to Johnne Grahame in case it shall be found that she ought (*ante*, p. 243). The said letters should, therefore, be suspended.—Sir James and Johnne having failed to appear as charged, and the complainer appearing by Williame Montgomery, her procurator, the Lords do suspend the said letters. Page 3.

Suspension of horning against the Master of Eglinton and Montgomery of Langshaw.

Upon the complaint of Alexander, Commendator of Kilwynning, setting forth that some of the servants of Robert, Master of Eglintoun, and Neill Montgomerie of Langshaw, had been often "lying at awaitt" for his slaughter before his own place of Montgrinend, the Master of Eglintoun and Neill on the one side and the Commendator on the other had been charged by King's letters, obtained at the Commendator's instance, to assure each other till the 1st of August next (*ante*, p. 234): "the same letteris being surreptitiouslie and sinisterlie purchest be the said Commendatair maist fraudfullie, the narrative thairof foirsaid nevir beand menit or consavit be the saidis personis aganis him, bot onlie forgeit and devisit upoun sum hie haitrent and consavit malice movit be the said Commendatair aganis thame, tending be this meane to putt thame to the horne, that in the meantyme the cruell murtheraris of umquhile the Erll of Eglintoun may be fosterit and intertenyit be him in the cuntrey, thay being his awne kin, freindis and servandis, expres contrair all gude ordour and forme of justice," as will appear from the form of assurance

Acta 1587–89. presented to the said Master and Neill, bearing that they are to assure the Commendator for any cause or quarrel whatever preceding the date hereof. "Quhilkis generaliteis aucht nor sould of na equitie or ressoun be allowit, nather yit aucht the saidis personis to be compellit to subscryve the samin," because under that general clause are included all the murderers foresaid and their assisters, they being kin and friends of the Commendator, and especially Johnne Cunynghame in Clombaith, his tenant, "cheif devysar of the cruell and abhominable murthour foirsaid." Farther, the said Master "is nawise cheiff of his kin and freindis, nor hes commandiment ouer thame to compell thame to abyde at the assuirance to be gevin
Page 4. be him, quhilkis, being ane impossibilitie, can of na law stand with ressoun." The said letters ought therefore to be suspended, at least till trial be taken in the premisses.—The Commendator failing to appear as charged, while the Master appears personally, the letters are suspended.

To denounce John Galbraith and others for not answering a complaint of Francis Galbraith, the King's "panniter."

Complaint of Francis Galbraith, the King's "panniter," donator to the escheat of the late James Galbraith, "panniter," as follows:—Upon 20th November last, Johnne Galbraith, brother of James Galbraith of Kilcreuch, Johnne M°Lauren, Johnne Allane, Alexander Kyle, and Johnne Murray, with their accomplices, came to two "chalmaris" in the burgh of Striviling, belonging to the said late James, in which his whole goods were, and violently broke up the doors of the same, "with the haill lokfast lumes being thairintill," and reft and intromitted with all the gear, jewels, silver, and gold formerly pertaining to the late James, and now to the donator foresaid. They, not satisfied with this act of spuilyie, came again upon 4th January last to these "chalmaris" at 11 o'clock at night, "and awaytuke furth of the same the haill plennissing being thairintill, sic as irone chimnais, fedder beddis, kistis, cofferis and utheris guidis" contained in an inventory given in by the bailie of the burgh of Striviling. "And, seing the said Francis is subject to the continuall and personall attendance upoun his Hienes service, and thairby unable to awaitt and sute redres befoir the Lordis of Sessioun, he is movit to lament his cais to his Majestie for remeid."—The persons complained against having failed to make restitution of the said goods or to answer to this complaint, and the complainer appearing by James Galbraith, his procurator, the order is to denounce the defaulters rebels.

Caution for Andrew, Thomas, and Malcolm Galloway.

Caution by James Alexander in Menstrie for Andro, Thomas, and Malcolme Gallowayis, in 500 merks each, that Alexander Menteith,
Page 5. servitor to the Lady Ergyle, shall be harmless of them,—Williame Peirsoun in Clow becoming cautioner in relief, and john Andro, Clerk of Council, subscribing for Peirsoun, "becaus I can not write."

Holyrood-house, 2nd March. Prorogation of the raid with the King on the West March to the 15th of April.

Though there has been proclamation for musters to meet the King at Edinburgh and Sanquhair upon the 1st and 2nd of March inst. for service against the "disorderit personis" of the West March (see *ante*, p. 248), his Majesty, "being now moved pairtlie be the present seasoun of the yeir, serving for the laubouring and sawing of the ground, and pairtlie be the

lait incuming of Williame, Lord Hereis, and of certane offeris maid be him for quieting of the said West Marche," has thought fit "to prorogat the convening of his saidis subjectis to the xv day of Aprile nixt to cum." Proclamation accordingly is ordered at the market crosses of the head burghs of the shires from which the levies were to come, with command to the lieges formerly charged to join the raid at the places foresaid upon 15th April next. Acta 1587–89.

Holyrood-house, 3rd March. Relaxation of Lord Herries from the horn.

The King, moved by "the comperance and debtfull obedience" of Williame, Lord Hereis, warden of the West March, ordains officers of arms to pass to the market crosses of Edinburgh, Drumfreis, and other places needful, and there to relax the said warden from the process of horn led against him for disobeying the charge to appear before the Council and give his advice "in sic thingis as concernit the said West Marche and quieting the present estate thairoff" (see *ante*, p. 247). They are to restore him to the King's peace and "giff to him the wand thairof"; and the treasurer, the justice, justice-clerk and all other officers are discharged from intromitting with his escheat, and from "all calling, accuseing, unlawing or in ony wayes proceding aganis the persons quhatsumevir that hes ressett, suppleit or intercommonit with him sensyne."

Holyrood-house, 4th March. The Earl of Bothwell and others charged to answer for the escape of certain Border pledges for whom they had become bound.

Notwithstanding the caution by Francis, Earl Bothuill, Great Admiral of Scotland, David Cullas of Auchfairsy, Walter Carnecors of Lugett, and James Stewart of Shillinglaw, that the following persons should "keip trew warde" under a penalty of £2000 for each, viz.:—Hob Ellott, brother of Johnne of Copshaw, placed as pledge with Lord Sinclair; James Ellott, son of Will of Mospatrikhoip, with the Laird of Balmowto; Hobbe Ellott of Thorwishoip in the Flict, with the Laird of Balwery; Johnne Ellott, son of Johnne of the Heuchhous, with ; Archie Ellott of the Hill, with the Laird of Lochlevin; Johnne Niksoun, son of Clemme of Hie Asshis, with the Laird of Anstruthir; Adie Crosar, called Megitt's Adie, with the Laird of Audy; Archie Armestrang, son of the Laird's Johnne, with the Laird of Wester Wemys; Geordie Armestrang of Arkiltoun, with the Laird of Balnamone,—and also for Christie Armestrang of Barnegleis, younger, pledge for his father, himself, and the "rest of thair branche," that he should appear before the Council upon 27th November last;—yet the said pledges have "eschaipit and eschewit" from the keeping of the foresaid persons. These foresaid sureties are therefore charged to appear before the Council, to show reasonable cause why they should not be declared liable for the penalties. Page 6.

Edinburgh, 5th March. Obligation by Lord Herries, warden of the West March, for his future conduct.

Obligation by Williame, Lord Hereis, as follows:—"He sall nather be himselff nor ony he may latt, directlie nor indirectlie, do nor suffir to be done onything within Drumfries or uthirwayes within his wardanrie that may be prejudiciall to the christeane religioun presentlie professit within this realme"; and especially "he sall nather heir nor suffir to be said

Acta 1587–89. within the saidis boundis ony messe, or uthir superstitioun repugnant to the said religioun, nor sall entir or ony wayes be previe to ony privat conference or publict ressoning aganis the same; as alswa, sall nawayes suffir or permit ony Jesuite or uthir messe preist to have ressett or conforte in his boundis, bot, sa sone as he sall knawe or be adverteist of thair cuming, sall immediatlie pas, serche, seik, tak and apprehend, and present thame to his Majestie; lykewayes, that he himselff sall, in all tymes heireftir, repair to the kirk for heiring of the sermonis, and sall hauld hand to the gude executioun of the discipline of the Kirk within the said toun and outwith, and to the gude and dewtifull usage of the minister at the said kirk, and his indempnitie everie way in the executioun of his functioun, as he will answer to God in conscience and in allegeance to his Majestie."

Caution for Mackenzie of Kintail.

Caution in 500 merks by Johnne Davidsoun, burgess of Edinburgh, for Coline M^{c}kanzie of Kintaill, that he will, if required, enter such of his men before the Privy Council as "assegeit" James, Master of Caithnes, and James Paxtoun, his servant, within the house of Williame Robsoun in the Channonrie of Ros (*ante*, p. 208). John Andro, clerk of Council, subscribes for Davidsoun, "becaus I can not write."

Page 7.

Edinburgh, 7th March. Caution for Andrew Ker of Fernihirst.

Caution by James Schaw of Sauquhy and Robert Moubray, fiar of Barnbowgall, for Andro Ker of Fairnyhirst, that he shall relieve the King and his warden at the hands of the opposite warden "for all attemptatis" by himself and his dependents, and that he and they shall appear before the Council when charged upon six days' warning, under pain of the "single and double availl" of the bill in which he and his men shall be filed.

Caution for Laurence Lin of Bourtriehill.

Caution in 1000 merks by Robert, Master of Eglintoun, for Laurence Lin of Bourtriehill, that he will not harm Johnne Peblis, younger, burgess of Irving, or Williame Kyle there.

Holyrood-house, 9th March. Persons harmed on the West March charged to give in their complaints in time for the coming Justiciary Court at Dumfries.

The warden and justice of the West March having been commanded to hold a court of justiciary in the tolbooth of Drumfries upon the 1st of April next, "that all personis being harmeit or grevit in thair personis or guidis be the reiffis, stowthis, heirshippis and oppressionis of the disordourit subjectis inhabiting the said West Marche may have justice and redres thairof," and his Majesty intending, God willing, to send "a speciall gentilman of credite" to assist, proclamation is ordered at Edinburgh, Lanark, Peblis, Selkirk, Drumfries, and other places needful, requiring all that have been harmed by the said disobedient subjects, especially since 1st November last, to give in their complaints and dittays to the justice clerk or to the warden within eight days, so that the persons complained of and their landlords may be brought to underlie the laws: "certefeing thame that failyeis, that the blame of the want of justice and redres salbe imputt to thameselffis."

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Sederunt—REGE PRESENTE—Cancellarius; Bothuill; Mar; Episcopus

Holyrood-house, 15th March.

Orcadensis; Culrois; Coldenknowis; Blantyre; Georgius Douglas de Helenehill; Clericus Registri; Willelmus Keyth. Acta 1587–89.

George Newsoun and John Acheson against Robert Preston.

Action of George Newsoun, servitor to Mr Robert Bowis, ambassador of England for the time, and Johnne Achesoun of the Cannogait, his surety, against Robert Prestoun, burgess of Edinburgh, factor and "doar" for Rannald Blanche, Frenchman, and against the bailies of the Cannogait, for production before the King and Council of "the precept or clame intentit and persewit be him aganis the said George and his said souirtie," in order that the said bailies may be discharged "of all proceding thairintill in tyme cuming."—Johnne Achesoun, son and apparent heir of the said Johnne, appearing as procurator for his father and for Newsoun, and Robert Prestoun appearing personally, the Lords of Council continue the matter to the 15th May next, and in the meantime ordain the said Johnne Achesoun "to sute his releiff of the said Mr Robert Bowis betuix and the said day, as he that is allegeit to be oblist thairto."

Jonet Edmeston and her ten bairns against Thomas Kincaid and John Jack for the slaughter of her husband: a respite for the slaughter declared null.

King's letters raised by Jonnett Edmestoun, relict of Luke Stirling of Baldarrane, with the "ten faderless bairnis" of the same, represent that upon the 16th of July 1586, the said Luke having been "maist cruellie and unmercifullie slane" by Thomas Kinkaid and Johnne Jak upon forethought felony, the complainers executed letters against them "for thair comperance befoir the justice and his deputis, to undirly the law for the same slauchtar, hoiping, in respect of the Act of Parliament haldin in May lxxxiiii [1584, c. 12, iii. 298], that justice suld have bene execute upoun thame." Nevertheless, "the personis foirsaidis hes, be wrang informatioun and inoportune sute of sum indiscrete and shameles personis, nathing respecting his Majesteis honnour, purchest ane respett for the said slauchtar." Such respite is null, having been "previlie and surreptitiouslie" obtained, against the Acts of Parliament and Council, and in particular against an Act of Secret Council passed in the Convention of Estates in September 1586, which has been ratified since in Parliament, ordaining that no remissions and respites shall be granted for slaughter, fire-raising, and other odious crimes, without assythment or satisfaction of the injured parties, and inspection had by the Treasurer of a sufficient letter of slains (see 1585, iii. 426; and 1587, c. 54, § 4, iii. 457); for "it is of veritie that thair wes na assythment nor satisfactioun maid for the said slauchtar, nor letter of slanes grantit thairupoun."—Parties having been called, Johnne Stirling, son of Jonnett, appears as procurator for the complainers, and James Kinkaid, brother of Thomas Kinkaid, also appears and produces for the defenders the said respite granted to them for seven years after the date thereof, which is May last. The Lords, however, decide, on the grounds pleaded by the plaintiffs, that the respite is null, and order the justice and justice clerk to "minister justice" upon the said Thomas and Johnne for the slaughter of Luke. Page 9.

Caution for certain men of Aberdeen.

Caution by George Gordoun of Auchinhuvis, George Leslie of Camenis (Kamelanis), and Mr Williame Leslie of Warthill, for Alexander Chalmer Page 10.

Acta 1587–89. of Cultis, bailie of Abirdene, Alexander Duff of Torrysoill, burgess of the same burgh, and Mr Thomas Mollisoun, clerk of the same, in 1000 merks each, that James Leslie, burgess of Abirdene, and Mr Thomas, Patrik, and Johnne Lesleis, his sons, shall be harmless of them.

Holyrood-house, 16th March. Caution for the Earl of Caithness.

Caution by Francis, Earl Bothuill, Great Admiral of Scotland, for George, Earl of Caithnes, in 5000 merks, that he shall answer before the Council upon 15th May next to the complaint of Laurence, Lord Oliphant (see *ante*, p. 229).

Edinburgh, 17th March. Caution for certain men of Aberdeen.

Caution by Patrik Forbes, apparent of Crabastoun, Johnne Arnott, provost of Edinburgh, Alexander Chalmer of Cultis, Alexander Duff of Torrisoill, and Mr Thomas Mollisoun, for Mr Thomas Menzeis of Durne, Alexander Cullane, Alexander Ruthirfurde, George Gordoun, David Menzeis, elder, David Menzeis, younger, James Menzeis, Williame Menzeis of Ferryhill, Williame Menzeis, elder, Andro Menzeis, Alexander Forbes, David Andirsoun, David Menzies, son of the late Robert Menzeis, Alexander Jaffray, Patrik Huntar, George Knowis, Mr Williame Andirsoun, Andro Chalmer, Alexander Litstar, Thomas Buk, Johnne Johnnestoun, Johnne Tullidaff, Mathew Guild, Robert (? Alexander) Forbes, elder, "at the Key Heid," Alexander Cruikshank, and Alexander Kempt, in 1000 merks each, and for David Mar, William Mar, Williame Dun, and Alexander Reidheuch, in 300 merks each,—all burgesses and inhabitants of the burgh of Abirdene, —that James Leslie, burgess of the said burgh, and Mr Thomas Leslie, Johnne Leslie, and Patrik Leslie, his sons, shall be harmless of the foresaid.

Page 11. Holyrood-house, 18th March. William New against the bailies of Perth, for wrongous imprisonment.

Complaint of Williame New at Querrelmylne, as follows:—Upon 2nd March instant, while he was at the "Meill Vennall," coming from his own house to the burgh of Perth, "Olipheir Peblis, burges of the said burgh, meting with the said complenare upoun accident at the said Meall Vennall, eftir certane outragious speichis utterit be him, he commandit the said complenare" to enter in ward in the tolbooth of Perth, without having the authority of the bailies or the assistance of the ordinary officers, the said Olipheir being only "ane privat persone having na charge, commandiment nor office within the said burgh." Having taken the said complainer to the said tolbooth, the said Olipheir had "putt him thairintill," where, though a free liege, he is still detained "be the moyane of the said Olipheir, without the advise or allowance of the ordinare magistratis of the same burgh." He prays that the King and Council will order him to be set at liberty.—James Winrahame having appeared for Williame New, and Alexander Peblis as procurator for the said Olipheir, and also for Patrik Blair, Olipheir Young, Adam Andirsoun, and Andro Malcolme, bailies of the said burgh, and for Alexander Irland, one of the officers of the same, there is produced a testimonial, dated 14th March, by the said four bailies and Andro Auld, notary, bearing that New was

apprehended and warded because of a complaint made against him by Olipheir, "groundit upoun ane pactioun maid betuix him and the said Williame within the same burgh and jurisdiction thairof," and had been appointed to remain in ward till he found caution "to answer at the instance of the said Olipheir as law wald,"—which caution not having been found, he is still detained in the tolbooth "be the saidis baillies awne directioun and command, according to the ordour of burgh." In respect of this testimonial the Lords assoilzie Olipheir, the bailies, and their officer, from the desire of the complainer's letters. Acta 1587–89.

Band for Thomas Allison of Lochtoun.

Registration, by Mr Williame Oliphant, advocate, as procurator for Gilbert Morisoun in Scone, feuar of Templelands of Scone, of a band executed at Perth on the 16th of March, containing caution in 500 merks by the said Gilbert for Thomas Allasoun of Lochtoun, that Duncane Robertsoun, Patrik Grant, David Grant, and Alexander Grant, burgesses of Perth, shall be harmless of the said Thomas. The band is witnessed by Oliver Young, bailie of Perth, James Mitchell, writer there, Patrik Moresoun, son of the said Gilbert, and Robert Allasoun, son of the said Thomas,—the said Gilbert and Thomas subscribing the same "with our handis at the pen led" by Thomas Gaw and Thomas Nicoll, notaries public. Page 12.

Band by thirty men of Aberdeen to warrant and relieve their cautioners.

A band executed at Abirdene on March, in presence of James Seytoun, Alexander Hay, David Nidia, Alexander Howesoun, burgess, and Mr Johnne Kennedy and James Davidsoun, notaries public, is registered by Mr Johnne Nicolsoun, advocate, as procurator for those inhabitants of Abirdene who had found caution for obeying the letters of lawburrows obtained against them by the persons mentioned in the minute dated 17th March last (*ante*, 261), by which they oblige themselves to warrant and relieve their cautioners specified in the said minute and keep them skaithless in the premisses. All the caution-finders foresaid, thirty in all, subscribe the present obligation, each "with my hand." Page 13.

Caution for Robert Lumsden.

Caution in 1000 merks by Williame Scott of Abbottishall for Robert Lummisden, son of Johnne Lummisden of Blanarne, that Archibald Inglis in Mordingtoun shall be harmless of the said Robert,—who and Johnne Ormestoun (? Cranstoun) of Smelhame relieve the cautioner.

Holyrood-house, 20th March.

Decree that John Cranston shall relieve the King's Wardens of certain English bills.

Johnne Cranstoun of that Ilk having been charged to appear before the Council, bringing with him Mathew Robsoun in Nethir Craling and Adie Ruthirfurde in Coithauch, who were filed in certain English bills, for the relief of his Majesty and his wardens, appears by Cranstoun, his son-in-law, who alleges that the said lands of Nethir Craling and Coithauch, upon which Mathew and Adie dwell, belong heritably to Williame Patersoun of Caverhill, vassal to the said Johnne of these lands, and therefore that Patersoun should enter the persons complained of for his relief.—The decree is that Johnne, being the King's immediate vassal, shall relieve the wardens of the said bills; and Patersoun is ordered to enter his said tenants to Johnne Cranstoun, in order that they may be Page 14.

Acta 1587–89. delivered for his relief, within three days after Patersoun is charged, under pain of rebellion.

The Countess of Menteith against John Gordon of Buckie and others.

King's letters raised by Dame Margaret Dowglas, Countess of Menteith, set forth that, upon 18th February last, Johnne Leslie, Williame Drumbrek, and Thomas Buchquhannane, with their accomplices, "bodin in feir of weir," and hounded out by Johnne Gordoun of Bukkie, came to her place of Kelwode, masterfully entered the said house, expelled her servants furth of the same, "and as yit kepis and detenis the same, with
Page 15. hir as captive and prisonare thairintill."—Dame Margaret appearing by Sir Johnne Tailliour, as her procurator, Johnne Gordoun appears for himself and the other defendants, and pleads that the said house was taken and kept "be vertew of a rycht allegeit maid to him be the said Dame Margaret; quhilk rycht he offerit to produce befoir the Lordis of Sessioun, quhome he allegeit to be jugeis competent in this caus, or befoir the saidis Lordis of Secreit Counsall at ony day to be appointit." Sir Johnne replies, for the Countess, that farther execution ought to pass unless the alleged right were produced there and then; and the Lords, in respect that Gordoun had produced nothing to prove his allegation, order him to deliver the said house to the complainer within six days after the charge, under pain of rebellion.

Complaint of John Roy MacLean against his chief, John MacLean of Lochbuy.

King's letters raised by Johnne Roy M^{c}clayn relate that, "being desirous to visie Johnne M^{c}clayne of Lochbuy, his cheiff, and to do unto him sic plesure and service as he wes able, according to his dewitie," he had passed to Lochbuy in April 1586, expecting to have received "sic intertenyment and gude behaviour of the said Johnne as his voluntarie offer of service and obedience merite." But the said chief, "instigat and steirit up be sum personis, the said complenaris unfreindis," had immediately "putt violent handis in the said complenare, laid him in prisone in the irnis, quhairin he hes kepit and detenit him sensyne," thus usurping the King's authority.—M^{c}clayne of Lochbuy having neither released the complainer nor appeared and produced him as charged, while the complainer appears by Johnne Auchinros, as his procurator, the Lords
Page 16. order letters charging Lochbuy to set his captive at liberty within six hours after the charge, under pain of rebellion.

Holyrood-house, 21st March. Caution for two persons.

Caution by Johnne Campbell of Calder for Allane M^{c}dougall of Ragaray and Duncane Campbell of Danna, in 500 merks "ather of thame," that they shall answer before the Council upon 15 days' warning to answer things laid to their charge.

Holyrood-house, 22nd March. The Bishop of Dunblane against the Presbytery of Stirling and Dunblane.

King's letters set forth that, notwithstanding the act of caution found by Williame, Bishop of Dunblane, to go abroad within a certain time, he had obtained licence to remain in this country a little longer, in order to make better provision "for his transporting, and furnissing during the tyme of his absence furth of this realme." But, in spite of this and of a discharge to the presbytery and eldership of Striviling and Dunblane from procedure

against him in the meantime, Mr Williame Striviling, minister at Aberfoull, and Mr James Burdoun, minister at Fowlis, two members of the said Presbytery, "not onlie refusit swa to do, bot, eftir the uttering of sum unsemelie and contumelious speichis, maist wilfullie and maliciouslie procedit and pronunceit the sentence of excommunicatioun aganis the said Bischop," contrary to the tenor of the said licence and discharge, and in violation of the agreement lately entered into between his Majesty's Commissioners and the Kirk. Charge had been given to the said Mr Williame and Mr James to appear to answer to this complaint; and now, the said Mr Williame appearing for himself, and Mr James Burdoun and Mr Alexander Cheisholme ("to quhome it wes allegeit the saidis uncumlie speichis wer utterit") also appearing personally, and Sir James Cheisholme of Dundorne, reporter of the said speeches, his Majesty, being likewise present, the Lords assoilzie the defenders, but at the same time grant liberty to the Bishop to continue in the country during the time expressed in his licence, and also to take part as pursuer or defender in all civil actions raised by or against him, notwithstanding the said sentence of excommunicatioun; which is hereby suspended "sa far as concernis the civile magistrat," and not to be used in prejudice of the Bishop in civil actions nor yet in troubling him or those intercommuning with him.[1] Acta 1587–89. Page 17

Macdougall of Ragary against Macdougall, fiar of Dunolly.

Duncane M^{c}dougall, fiar of Dunnoldycht, master to Dougall M^{c}soirll Vicallaster and Angus M^{c}soirll Vicallaster, his brother, having been charged on a certaiin day past by Allane M^{c}kdougall of Ragary to have entered his said men, Allane appears personally, Duncane appearing by Johnne Auchinros, his procurator, who alleged that they were not tenants or servants to the said Duncane. "The contrair quhairof being affermed be the said Allane", the King, with advice of his Council, gives commission "to ane reverend fader in God," Neill, Bishop of Ergyll, to examine such witnesses as Allane shall produce before him for proving that the said persons were the tenants or servants of Duncane "the tyme of the geving of the said charge, quhilk wes upoun the fyft day of Marche instant or sensyne." Duncane is to be warned to appear before the Bishop at the day and place

[1] The Bishop of Dunblane of this entry is William Chisholm, the Roman Catholic ex-bishop of the see. He had been made coadjutor-bishop with his uncle, William Chisholm, in 1561, by a brief from Pope Pius IV., and had succeeded that uncle in the full bishopric in 1564. He had been a strong partisan of Mary, and had been employed by her in missions to France and the like. In the present reign he had been in exile as a forfeited prelate, until recently, when he had been allowed to return (*ante*, p. 163, and 164 footnote). The action against him by the Presbytery of Stirling was part and parcel of the general alarm of the Kirk at this time on account of the unusual activity of Papists and Jesuits in various parts of Scotland (see *ante*, p. 232, and 248, footnote). The late General Assembly, of February 1587–88, had expressly named ex-Bishop Chisholm as among the dangerous persons going about. "The Bishop of Dunblane," they had said in their paper of Grievances addressed to the King, "restored and latelie come home, accompanied with a Frencheman or Italian, supponned by manie probable appearances, by men of great judgement, to be imployed heere in some strange turne. His comming hath encouraged all suspected Papists, and brought the simple in great doubt; for by his authoritie he draweth all with him in the old dance" (Calderwood, iv. 663).

Acta 1587–89. to be appointed for hearing the witnesses sworn and admitted to depone in the said matter; "quhilkis depositionis being ressavit" by the Bishop, he is required to "reporte and returne thame closit" to the Council by 15th May next, to the effect farther order may be taken in the action.

Coll Macdougall and Donald M^c^collea against Dougall Macdougall of Dunolly.

King's letters raised by Coill M^c^kdougall and Donnald M^c^collea represent that in January last, while they were in the Isle of Kerray, Page 18. Dougall M^c^Dougall of Dunnoldycht and Allane M^c^kdougall of Ragaray put violent hands on them, and took them captive to the place of Dunnoldycht, "quhairin thay ar still yit detenit in strait firmance and captivitie," having committed no offence. The said Dougall having neglected to release the complainers or appear and answer, conform to the charge given to him, and the complainers appearing by Johnne Auchinros, as their procurator, the Lords order letters to charge Dougall to release his captives within six hours after the charge, under pain of rebellion.

Caution for certain Hamiltons.

Caution by James Sandielandis of Slammannane and James Cochrane of Braidshaw for Robert Hammiltoun of Bathcatt, in £1000, for Johnne Hammiltoun and George Hammiltoun, his "fader-brethir," and Alexander Hammiltoun of Bogheid, in £500 each, and for Rowy Hammiltoun in Bathcatt and James Hammiltoun there, "ather of thame" in 500 merks, that James Liddell in Lochtulloch, and James, David, Johnne, and Richard Liddellis, his sons, shall be harmless of the said Hamiltons.

Page 19. Edinburgh, 23rd March. Caution for Leslie of Balquhan.

Caution in £2000 by Thomas Dempstar of Muresk (Auchtirles) for Johnne Leslie of Balquhan, that Alexander Ruthirfurde and Alexander Cullane, burgesses of Abirdene, shall be harmless of him.[1]

Holyrood-house, 29th March. Thomas Foulis against James Acheson for interference with his rights of office in the cunyie-house: complaint dismissed.

Complaint of Thomas Foullis, sinker of the cunyiehouse, as follows:— James Achesoun, son of Johnne Achesoun in the Cannogait, having lately obtained licence "for prenting of countaris," has, under colour thereof, "insinuat himself in the said complenaris office, sinkis and makis irnes, instrumentis and matriceis, alsweill for prenting of silver as of lattoun, albeit the said complenare hes obtenit his Majesteis gift of that office during all the dayis of his lyftyme; in doing quhairof the said James hes committit a maist hie and proude attemptat aganis his Majestie, be violating of the Actis of Parliament maid anent the keping and sinking of the irnes of the cunyiehous."—The complainer, appearing personally, produced his said gift for life, dated 9th January 1583, and the said James, also appearing, produced his licence "to grave, sink and mak countaris of lattoun, with sic pyles and tursallis as may serve to that effect," for ten years after the date of the same, viz., 20th January last. The Lords find that Achesoun's licence does not in any way "prejuge"

[1] The Thomas Dempster of Muiresk who is cautioner in this case seems to have been the father of the celebrated Scottish adventurer and scholar, Thomas Dempster, of whose strange career in France and in Italy, and his voluminous writings, there are accounts in the biographical dictionaries. Muiresk is an estate on the Deveron, close to Turriff, and the future scholar had been born there Aug. 23, 1579. By his own account his father's household must have been a very wild and unruly one (see *ante*, p. 187).

Foullis's gift of the office of sinker, and therefore ordain that Achesoun shall possess his privilege "for graving, sinking and making of countaris lattoun allanarlie" during the space foresaid. Acta 1587–89. Page 20.

Edinburgh, 30th March. Caution for Sir James Edmonston of Duntreath.

Caution in £1000 by Mr Williame Erskin, parson of Campsy, Patrik Hume of Argaty, and Mr James Erskin of Muretoun, for Sir James Edmestoun of Duntreith, that Mistress Elizabeth Semple, relict of the late Robert Grahame of Knokdolean, Robert Grahame, her son and apparent heir, and Archibald Mathie, her servant, shall be harmless of the said Sir James.

Caution for Arne M^cEwin and others.

Caution by Allane M^ckdougall of Raray for Arne M^ckewin of Kilquhair, Johnne Oig V^cinpriour, apparent of Deganeis, Dougall M^cdonaquhy V^cpriour, Dougall M^cewin of Barnabuk, Johnne M^cewin Cherverreth, in £1000 each, and for Dougall M^cean V^cinleich, and Gillichallum M^cFinla Buy, in 500 merks "ather of thame," that Duncane M^ckdougall, fiar of Dunnoldycht, his tenants and servants, shall be harmless of the said persons.

Caution for Dougall Macdougall of Dunnolly.

Caution in 2000 merks by Johnne Campbell of Calder for Dougall M^ckdougall of Dunnoldycht, that he shall release Coill M^ckdougall and Donald M^cCollea and suffer them to pass where they please, security being had that Dougall's tenants and other lieges shall be harmless of Coill and Donnald.—(See *ante*, p. 265.)

Holyrood-house, 1st April. Commission for visiting the colleges of St Andrews, inquiring into disorders there, and either rectifying them or reporting to the King and Council.

His Majesty, "upoun his zeale borne to the propagatioun of the trew and christeane religioun and to the incres of gude letters," has, by his Regents in his minority, and afterwards by himself, "favourit the collegeis in his Hienes universiteis, fundat for the teicheing of theologie and liberall scienceis, and hes augmentit thair rentis for sustentatioun of the personis inclynnit to vertew and letters, and wanting of thair awne quhairupoun to interteny thame"; and he and his Council, "being daylie vexit with divers complaintis and informationis for allegeit misgyding of sum of the saidis collegeis, mispending of the rentis thairof, and neglecting of the ordinare exercise dew to be used within the same, be the personis promoved to the cure and administratioun of thame and uthiris the professouris and studentis thairin," have, at sundry times, by Acts of Parliament and of Council, "gevin commissioun for inquiring of the very caussis of the said disordour, and to have proponit the reddiest and best meanis to his Hienes and his Prevey Counsall for reformation of the same, to Godis plesure and the furtherance of that gude and godlie werk for the quhilk the saidis collegeis wer originallie institute." Now, however, "finding the formar directionis, throw the difficultie of the tyme past, as yit to have tane litle effect," his Highness has at last made choice of Mr Johnne Lindsay, parson of Menmure, one of the Senators of the College of Justice, Mr Williame Lundy of that Ilk, Mr James Haliburtoun, tutor of Petcur, Mr David Carnegy of Culluthy, and Mr George Young, archdeacon of Sanctandrois and ordinary conservator of the privileges of Page 21.

Acta 1587–89. the said university, as his commissioners, and commands them to pass to the University of Sanctandrois and all the three colleges of the same upon Tuesday and Wednesday the 16th and 17th of April instant, "with pouer to call befoir thame the maisteris and fundat personis of the saidis collegeis, and haill professouris and studentis within the same," and to require such persons to exhibit "thair rentallis, dyet buikis, and forme of thair expenssis in the saidis collegeis of samony yeiris as the saidis commissionaris sall think ressonable, and of thair greiffis and contraverseis, giff thay ony have." The said Commissioners are to consider matters and arrange "amicablie" so far as conveniently may be, "or to reporte the disordouris and occasionis thairof, with thair opinioun tuicheing the best meanis for amendiment and reformatioun of the same, to his Hienes and his Prevey Counsall betuix the date heirof and the last day of Maii nixt to cum." Publication accordingly is to be made at the market cross of Sanctandrois, with command to the masters of the colleges and others concerned to wait upon the Commissioners on the days appointed and assist them in all things as required.

Caution for Patrick Wood of Bonnington and others.

Caution by Andro Lamb of Torry (Souttorry), indweller of Leith, and Thomas Wode there, for Patrik Wode of Bonnytoun in £1000, and for Thomas Kyd at the Cottoun of Lattoun, James Kyd, his brother, in Barnehill, Alexander Ker and David Guthree, servants to the said Patrik, Thomas Lyell at Balmullie Mylne, Johnne Wode of Inchek, Johnne Baxtar, his servant, and Johnne Dynneis, his servant, in 500 merks each, that Henry Futhie of Bysark, his tenants and servants, shall be harmless of
Page 22. the said persons,—Johnne Wode of Inshak becoming cautioner in relief.

Page 33. *Sederunt*—REX; Hammiltoun; Huntley; Bothuill; Craufurde; Montrois; Rothes; Cancellarius; Episcopus Sanctiandree; Episcopus Orcadensis; Blantyre; Clericus Registri; Computorum Rotulator; Murdocairny; Willelmus Keyth. Holyrood-house, 3rd April.

Complaint by John Leslie of Balquhan against the Magistrates of Aberdeen.

King's letters raised by Johnne Leslie of Balquhane set forth that Alexander Ruthirfurde and Alexander Cullane, "maist falslie taking the name of the haill toun, provest, baillies, counsall and communitie of the burgh of Abirdene," have "surreptitiouslie and fraudfullie, upoun ane unjust narrative, purchest letters be deliverance of the Lordis of Secrete Counsall, off the date at Haliruidhous the xiii day of Februare last bipast, be the quhilk thay chargeit the said complenare, at the mercatt croce of the burgh of Abirdene oppinlie, to dissolve sic forceis as thay allegeit he had aboute the said burgh and within the same, and to returne to his duelling house, undir the pane of tressoun.[1] Be the quhilk charge the said complenare is stayed frome all his necessair effearis within the said burgh, quhilk is the heid burgh of the shyre quhair he duellis,—like as he hes heritage within the same,—and quhair he mon repair for craving of

[1] There is no previous mention of this affair in the Register; which is defective from the middle of February to the end of that month (see *ante*, p. 253, footnote).

justice alsweill to the schireff courte as to the consistorie." Now, "it is of veritie that nather hes he nor had he ony sic forceis as could molest the said burgh and inhabitantis thairof, nather wes he of mynd to do the same, bot with all ressoun offerit to have past to his lugeing without inquietatioun to ony of the inhabitantis of the said burgh; and, to testifie his honnest meaning, he offerrit to the baillies of the said burgh Schir James Creichtoun of Frendraucht, knycht, cautioun and souirtie for his gude behaviour within the said burgh, swa being that thay wald giff him access within the same to do his lesum busynes [see *ante*, p. 265]. Nevirtheles, the saidis Alexander Ruthirfurde and Alexander Cullane, of plane contempt, particular evill will, aganis all ressoun and equitie, did refuse to latt the said complenare have interes to his Majesteis free burgh, quhair he had maist neidfull and necessair busynes to have bene done within the same; and thairby he is gritlie dampnifeit to his grite hurte. As alswa, eftir his depairting fra thair poirtis upoun thair refuse, the saidis Alexander Ruthirfurde and Alexander Cullane convocat ane grite nowmer of slicht men and invyous personis, and dois keip ane gaird to withhald the said complenare fra the said burgh, contrair the free libertie of baronis to repair within burgh at thair plesour for doing of thair necessair effearis. And not onlie ar thay content to debar the said complenaris selff fra the said burgh, bot thay, upoun the aucht day of Februare last, convocat thame selffis to the house of Gilbert Menzeis, and thair concludit to persew the said complenaris haill freindis within the said burgh, and all that did beir him gude will; and, the same day, Alexander Duff, ane of thair corruptit factioun, schote and dischargeit ane pistollett furth of the said house at James Leslie, burges of the said burgh, and lykwayes the same day persewit Johnne Leslie and Patrik Leslie, the said James sones, to have bereft thame of thair lyves [see *ante*, pp. 260, 261]. And, mairouer, the saidis Alexander Cullane and Alexander Ruthirfurde dois mak dalie convocatioun, like as thai have done sindrie tymes past, for oppressioun of thair nychtbouris within the said burgh, burgessis of the same, and of proude attempt to debar the said complenare fra his Majesteis free burgh and libertie of the same."—Ruthirfurde, Cullane, and Leslie having appeared before the Council as charged, and George Gordoun, and Williame Menzeis, elder, having also appeared as procurators for the provost, bailies and council of the burgh, the Lords ordain George, Earl of Huntley, to try the said complaints, and, if possible, to reconcile all the parties,—failing which, he is to report his proceedings to the Council upon the 10th of May next, stating "in quhais default the said aggrement restis unperfytit," so that farther order may be taken in the matter. In the meantime the letters raised by the "saidis parteis or ony of thame aganis uthiris for finding of souirtie for thair indempnitie" are to be put to farther execution.

Acta 1587-89.

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Holyrood-house, 4th April.

Sederunt—Rex; Hammiltoun; Huntley; Bothuill; Craufurde; Montrois; Rothes; Episcopus Sanctiandree; Episcopus Orcadensis;

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Acta 1587–89.

Paislay; Neubottle; Cancellarius; Clericus Justiciarie; Computorum Rotulator; Blantyre, Custos Secreti Sigilli; Murdocairny; Willelmus Keyth:—COMMISSIONARII BURGORUM: Joannes Arnott, Alexander Ousteane, pro Edinburgh; Houesoun, pro Dundee; Georgius Gordoun, Willelmus Menzeis, pro Abirdene; Duncanus Balfour, pro Sanctandrois; Walterus Cowane, pro Striviling. [Convention of Estates.]

Act of Convention imposing on "all sortis and degreis of personis without exceptioun" a taxation of £100,000, for sustaining the charges to be made upon the King's marriage, "now appointit to be accomplissit with all convenient expeditioun,"—the first instalment, £50,000, before Martinmas 1588, the next, of £25,000, before Martinmas 1589, and the last, of £25,000, before Martinmas 1590. Deduction is to be made for the £6000 already advanced by the burghs for the purpose.—[For the Act in full see Printed Acts of Parl. iii. 523.] Taxation of £100,000 for the expenses of the King's approaching marriage.

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Adam, Bishop of Orknay, Alexander, Commendator of Pluscardin, Robert, Lord Boyd, James, Lord of Dun, Mr Johnne Lindsay, parson of Menmure, Mr David Carnegy of Culluthy, Johnne Arnott, provost of Edinburgh, and Williame Flemyng, burgess of Perth, are to meet in the tolbooth of Edinburgh upon 15th May next, as commissioners appointed to consider the complaints of diverse persons "toward thair unequall stenting" in the past, and to prescribe a "forme and ordour" for "divyding and setting" of the present and future taxations.—[Printed in full in Acts of Parliament, iii. p. 524.] Commission for setting the above Taxation.

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"The Kingis Majestie, his Nobilitie, Counsall, and Esteatis presentlie convenit, having hard and considderit the overturis maid be Eustachius Rooghe, tending to the advancement and augmentatioun of his Hienes rentis and revenewis of his Croun, above the sowme of ane hundreth thowsand merkis yeirlie, be his moyane, diligence and service, hes concludit and resolved, according to his awne desire, that quhatsumevir commoditie and proffitt his Majestie sall ressave be his said moyane and service salbe appropriat to the Croun and revenewis thairof and annext thairto perpetuallie for his Majestie and his successouris; and that his Hienes thesaurar or his depute, present and to cum, sall have intromissioun thairwith in his Majesteis name and to his use, and nawayes applyit nor disponit according to his accustomat liberalitie to ony his Hienes favouraris or domesticque servandis; deduceand and allowand alwayes the tent parte of the said proffitt to the said Eustachius, his airis and the narrest of his blude, quhether thay be men or wemen. Quhilk his Majestie, with avise of the saidis Lordis, gevis and disponis, with titlis of honnour correspondent to this his service: appointing the same in memorie thairof to remane with him and his posteritie for evir. Quhilk tent parte and all utheris Act in favour of Eustace Roche, tacksman of the mines, his heirs and nearest of kin.[1]

[1] This Act, as appears from the wording of it, is also an Act of the Convention of Estates, though it is not given as such, with the last two Acts, in the printed Acts of Parliament. For Eustachius Roche see *ante*, vol. iii. p. 601. His services were now evidently in request for revenue purposes.

guidis, geir, gold, silver, landis, possessionis and uthiris quhatsumevir, purchest and to be purchest and conqueist be him, sall remane with him and his airis and the narrest of his blude, quhethir thay be men or wemen, as said is, for evir, unsubject to confiscatioun or forfaltour for ony caus, cryme or offens quhatsumevir, and the punishment onlie to be extendit to thair personis according to the qualitie of the offens. For assureance quhairof, and of all and sindrie the premissis for his Majesteis parte, his Hienes hes ordanit the Commissionaris of his Burrowis to be convenit with all convenient expeditioun, quhairthrow thay may be moved to cum cautionaris to this effect. Attour, his Majestie promittis to caus justice and punishment be execute on the personis quhilkis cruellie murtherit and slew umquhile Nicolas Wanraust, servand to the said Eustache, in his Majesteis service, that be the example thairof he may have the bettir assuirance of his awne lyff, and not to be troubled nor hinderit now in this his Hienes service." Acta 1587-89.

Holyrood-house, 6th April.

Sederunt—Cancellarius; Montrois; Orknay; Clericus Justiciarie; Murdocairny. Page 24.

To denounce Robert Leckie of Kipdarroch for assault and deforcement to the injury of James Seton of Tullibody.

King's letters raised by James Seytoun of Tullibody narrate that, for the "wrangous spoliatioun of certane his teindis" by Robert Lekkie in Kipdarroch, he had obtained the commissary of Striviling's precept against the said Robert, and that the same had been executed upon Lekkie on the 10th of February last by Niniane Malis, officer. "For the quhilk the said Robert being offendit, he immediatlie, maist maliciouslie and injuriouslie, invadit and persewit the said Niniane and James Thomesoun and Johnne Gilchrist, twa of his witnessis, for thair bodilie harme, hurte and woundit thame to the effusioun" [of their blood]; and, farther, on the 23rd of March last, "the said Robert Lekky come to the houssis of Johnne and Thomas Fergussonis in Gargunnok, and maliciouslie straik and dang thame with rungis and treis, and brak the said Johnne Fergussonis arme", merely because they were witnesses to "the executioun of ane precept of removing execute at the said complenaris instance aganis the said Robert"; and, "eftir the said Robert had brokin the said Johnnes arme and left him lyand for deid upoun the ground, he putt the copy of the removing quhilk he had ressavit in the said Johnis bosome, bidding him cary the same to his maister and complene to quhome he plesit." Still farther, he had thereafter "come to the duelling house of Alexander Turnbull in Gargunnok, and sercheit and socht Johnne Hardy, servand to the said Alexander, ane uthir of the saidis witnessis, to have slane him; and, seing he missed the said Johnne, he maist injuriouslie minassed and bosted the said Alexander with outragious and uncumlie speicheis, sayand, 'How durst he be swa bauld as to send ony of his servandis to be witnessis aganis him,' and thaireftir invadit and persewit him with ane drawne quhinzeare; quhairthrow nather dar the said Johnne Hardy repair to his maisteris house and service, nor yit dar ony officiar execute ony letters aganis the said

Acta 1587-89. Robert, without thay be gairdit with a grite nowmer of personis, for feir of thair lyveis."—The complainer appearing by Archibald Seytoun, as his procurator, but Robert not appearing as charged, the Lords order Robert to be denounced rebel.

Proclamation of musters at Soutra and Dryburgh to accompany the King or his Lieutenant for service in the West March.

Whereas, on occasion of "the troublis and invasionis that fell oute this last yeir betuix the inhabitantis of the West Marcheis of baith the realmes," difficulty had been found in redressing the same by the ordinary meetings of the wardens, but "at the last, be the travellis of commissionaris appointit for baith the realmes, a grite nowmer of the greitast billis on ather syde wer fyllit, and plegeis enterit for the dew redres of the same according to the single availl," and whereas "his Hienes hes causit the maisteris and landislordis of the personis fyllit and thair cautionaris to be oft and divers tymes chargeit and requirit to releve his
Page 25. Hienes and his wardanis of the same," but nevertheless "thay contempnandlie refuse swa to do, quhairthrow the plegeis enterit for thair defaultis can not be relevit nor the thingis promissit be his Hienes commissionaris foirsaidis in his Majesteis name dewtifullie dischargeit": therefore, proclamation is ordered at the market crosses of the shires of Edinburgh, Hadingtoun, Beruik, Roxburgh, Selkirk, and Peblis, charging all the earls, lords, barons, freeholders and substantious gentlemen dwelling within these bounds to meet his Highness, well armed and provided with eight days' victuals, in manner following:—viz., those within the shires of Edinburgh, Hadingtoun, and Peblis at Sowtra upon 18th April instant, and those of Roxburgh, Selkirk, and Peblis at Dryburgh upon the same day, and "thairfra to accumpany" his Majesty or his lieutenant.

The raid to the West March prorogued from 15th April to 1st May.

His Majesty, being now "deliberat to repair in propir persoun" upon 18th April instant to the Middle March (as by last entry), "can not guidlie keip" the diet formerly proclaimed to be held at Edinburgh and Sanquhair upon the 15th April for reducing to obedience the disordered inhabitants of the West March (*ante*, p. 257); and, accordingly, he now prorogues that diet to 1st May next, "fra the quhilk the foirsaidis personis now appointit to accumpany his Majestie to the said Middle Marche [in last order] ar exemit and licenciat to remane at hame allanarly." Proclamation hereof is ordered at the head burghs within the said bounds.

To denounce William Craufurd for not answering a charge of contempt of court at Glasgow.

Page 26. Complaint by Mr Williame Chirnesyde, parson of Lus and commissary of Glasgu, as follows:—Upon 25th March last, "he being sittand in jugment within the citie of Glasgu, ministrand justice in sindrie actionis depending afoir him, and amangis uthiris haveand pronunceit decrete in ane actioun persewit be Williame Patersoun and Margaret Knok, his spous, aganis Patrik Craufurde of Auchunims, eftir that the same wes at lenth ressonit and concludit lang befoir the said day," Williame Craufurde, son to the said Patrik, "being than personalie present, not onlie accused the said complenare of wrang and injustice, bot,—eftir he had ansuerit him verie modestlie that he had done na wrang, bot had procedit as he wald ansuer to God and us upoun his office,—he, with maist angree and aufull countenance, gaif the said complenare the ley, uttering thairwith sindrie

utheris injurious and uncumlie speichis, and at last myntit to have attempted forder injurie aganis him," till at last the complainer "wes compellit to rais and dissolve the courte, and to forbeir at that tyme, as alswa sensyne, all forder proceding in uthiris caussis." Although the complainer might have obtained full satisfaction for this injury, "he being ane gentilman off blude and honnour, having freindis bent to revenge," yet he has "foirborne, and done quhat in him lay to stay all violence and extraordinare doing," persuading himself that his Majesty, "quha is cheiflie tuicheit in honnour and uthirwayes," will take order hereanent.—The complainer appearing by Archibald Chirnesyde, as his procurator, Craufurde, for not appearing, is to be denounced rebel. Acta 1587-89.

Caution for Adam and John Cockburn.

Caution by Sir Johnne Ker of Hirsell, son and apparent heir of Walter Ker of Littilden, and Patrik Cokburne, tutor of Langtoun, for Adam and Johnne Cokburnis, brothers of Williame Cokburne of that Ilk, in 2000 merks either of them, that Hercules Stewart of Quhytelaw, and Williame Polwart, David Polwart, Thomas Johnnstoun, Thomas Johnnstoun, and Williame Jaffray, tenants of his lands of Hepburnisquarter, shall be harmless of the said Adam and Johnne.

Edinburgh, 8th April. Caution for James Crichton.

Registration by Johnne Haliday, advocate, as procurator for Gilbert Frasar of Wattertoun, of a band, dated Edinburgh, 8th April, and witnessed by Johnne Haliday, advocate, Johnne Falaw, his servant, and James Bartan, merchant, burgess of Edinburgh, containing caution in £1000 by the said Gilbert for James Creichtoun, son and apparent heir of the late George Creichtoun of Camnay, that Margaret Erskin, Lady Ruthvenis, her tenants and servants, shall be harmless of him. Page 27.

Charge to the masters and landlords of the persons filed in the English bills: list of the landlords.

The following masters and landlords are charged, under pain of treason, to appear personally before the King and Council upon 17th April instant, and also to present the persons filed in the English bills within the Middle March, mentioned in the valentines formerly delivered to each of their said masters, to the effect the said persons may be delivered for relief of the King and his realme, "according to the indentis laitlie maid thairupoun,"—viz., Williame Ker of Cesfurde, warden of the same March, Walter Scott of Branxholme, Andro Ker of Fairnyhirst, Andro Ker of Greneheid, Walter Ker of Lochtur, his brother, Walter Ker of Littilden, James Ker of Corbetthous, Andro Ruthirfurde of Hundeley, Johnne Ruthirfurde of Hunthill, Williame Douglas of Caveris, sheriff of Teviotdaill, Johnne Cranstoun of that Ilk, Walter Riddell of that Ilk, Robert Frasar of Ovirtoun, Robert Ellott of Reidheuch, Lancie Ker of Gaitshaw, Williame, Lord Hereis, Andro Ker of Lyntoun, James Anyslie, Johnne Allesoun, Williame Douglas and Williame Ruthirfurde, bailies of Jedburgh, Walter Hoppringle of Cliftoun, Haldan of that Ilk, Williame Anislie of Fawlaw, and Gawine Ellott of the Stobbis.

Edinburgh, 15th April. Caution for

Caution in 500 merks by Williame Leslie of Crechie, as principal, and Robert Afflek (Auchinlek), as surety for him, that the following persons: Page 28.

Acta 1587–89. —Alexander Chalmer of Cultis, George Gordoun of Tulloch, David Mar, Mr David Ruthirfurde, bailies of Abirdene, Mr Thomas Menzeis of Durne, Alexander Cullane, Alexander Ruthirfurde, Alexander Duff, Williame Menzeis of Ferryhill, Williame Menzeis, elder, Robert Menzeis, Alexander Forbes, George Knox (? Knowis), David Andirsoun, Thomas Buk, Andro Lowsoun, David Menzeis, David Yndeauch, of the Council thereof, Mr Thomas Mollisoun, clerk of the burgh, Alexander Jaffray, Patrik Huntar, Andro Chalmer, Alexander Litstar, Johnne Johnnestoun, Alexander Mollisoun, Robert Menzeis, son of the late Thomas Menzeis, Mr Thomas Menzeis, younger, Paull Menzeis, Alexander Menzeis, Johnne Tullidaff, Robert Forbes, elder, Alexander Cruikshank, Alexander Kempt, Alexander Ridheuch, Williame Mar, Williame Down, Patrik Forbes, Andro Menzeis, Thomas Mollisoun (? Nicolsoun), Robert Knox (? Knowis), George Nicolsoun, Thomas Forbes, George Lowsoun, Thomas King, Williame Lowsoun, Thomas Philp, younger, David Cargill (? Carngill), Thomas Cromby, Williame Lowsoun, Martine Howesoun, Duncane Donaldsoun, younger, Alexander Howisoun, younger, Patrik Donaldsoun, James Stewart, Robert Stewart, Thomas Johnnestoun, Williame Lorymer (? Cordinare), Johnne Forbes, elder, Walter Forbes, Mr Robert Chalmer, Alexander Chalmer, his son, Robert Watsoun, Robert Cullane, Thomas Donnaldsoun, Andro Cullane, Robert Donnaldsoun (? Donnald), Johnne Gray, Williame Gray, George Gray, Andro Shortas (? Sheirare), George Troupe, James Menzeis, David Mar, Johnne Gordoun, Thomas Forbes, elder, Johnne Bissaitt, Johnne Fyffe, Mr Williame Andirsoun, Johnne Fergussoun, younger, James Davidsoun, Williame Davidsoun, George Strauchane, James Kennedy (? Kynnardel), James Robertsoun, Johnne Layng, Ambrois Gordoun, Edward Donnaldsoun, Thomas Finny, Robert Forbes, younger, Thomas Gray, Mr Andro Andirsoun, Edward (? Andro) Gaw, Mr Andro Auchinleke (Affleck), Alexander Andirsoun, Johnne Rowane, Williame Masoun, Gilbert Hendrie (Henrie), Alexander Ross, Alexander Ewing, Andro Horne, Magnus Duff, Robert Chalmer, Robert Wissert, Alexander Alchionar, Johnne Arthour, David Robertsoun, Mathew Guild, Gilbert Blaik, Andro Hendirsoun, Alexander Smyth, Williame Inglis, George Elphinstoun, Laurence Maisar, Alexander Patersoun, Thomas Cuke, Alexander Jaffray, Robert Phiane, Johnne Duncane, burgesses, craftsmen, and inhabitants of the said burgh, their wives, bairns, tenants and servants,—shall be harmless of the said Williame Leslie of Crechie. (Compare this list with that under date 6th May, *infra*, p. 276.)

William Leslie of Crechie, that certain persons in Aberdeen shall be harmless of him.

Sederunt—Cancellarius; Angus; Mar; Thesaurarius; Coldenknowis; Clericus Justiciarie; Lynclowden; Murdocairny; Barnbarrouch; Helenehill.

Holyrood-house, 18th April.

Complaint by Williame Johnnstoun, son of the late James Johnnstoun of Wamphra, as follows:—Upon complaint of Margaret M^{c}clellane, relict of the said James, to the late Williame, Earl of Gowry, lieutenant and justice

William Johnston against Johnston of Gretna and Johnston of Kirkhill.

for the time upon the Borders, against David Johnnstoun in Staywode, for the slaughter of Cristie Wilsoun, her officer, and James Wilsoun, his son, and for wrongously intruding himself into, and withholding from her for 21 years, the 40s. land of Staywode, belonging to her in conjunct fee, and other 40s. land (on which matter she had obtained decree before the Lords of Council and Session),—and also against Johnne Johnnestoun of Kirkhill, for wrongously intruding into and withholding from her the Kirkland of Wamphra,—the said David and Johnne had been called before the said lieutenant, and, appearing in a justice court held at Drumfries, had "come in the said lieutennentis mercy,"—Johnne Johnnestoun of Graitnay becoming surety for David, and Gilbert Johnnestoun of Wamphray for Johnne, that they would "satisfie all pairteis as law will, as the actis of adjornall maid thairupoun proportis." In these acts and decrees the complainer's mother, Margaret, had constituted him cessioner and assignee, of which intimation had been made at the market cross of Lochmaben. But, although the complainer, as assignee foresaid, had frequently required the two cautioners to obtemper and obey the decrees obtained by his mother against them, yet they "wrangouslie refuse and postpone to do the same, without thay be compellit."—The complainer appearing personally, but the said sureties having disobeyed the summons, the Lords order them, under pain of rebellion, to enter before the Council the said David and Johnne upon the 6th day after the charge, to the effect the pursuer "may be satisfeit of the saidis decreitis, conforme to the saidis actis of adjornall." Acta 1587–89. Page 29.

Edinburgh, 19th April. Caution for Swinton of that Ilk.

Caution in £1000 by Mark Swyntoun of Wester Luscar for Robert Swyntoun of that Ilk, that Robert Heislop, minister and vicar of Swyntoun, shall be harmless of the said Robert.

Act for the payment of 20,000 merks to the King's guard,

The King and his Council considering "the lang want of pay" sustained by his Highness's present Guard through the "inlaik" of the casualties otherwise superexpended, and seeing also that there has already been assigned to them the sum of 20,000 merks out the "foirend" of the contribution of £40,000 promised by the barons to his Majesty (see *ante*, p. 247), "his Majestie, being now as of befoir of the same gude mynd towardis his said Gaird, willis the said assignatioun sall stand in thair favouris for payment as said is, nochtwithstanding of ony gift, precept, or uthiris, gevin be his Majestie in favouris of ony utheris." Accordingly, the collectors of the said taxation are commanded to pay to the Guard, and to Thomas, Master of Glammis, treasurer, in their name, the sum above written, assigned to them at Martinmas last, within ten days after being charged, under pain of rebellion. Page 30.

Jedburgh, 25th April.[1]

Sederunt—PRESENTE REGE—Cancellarius; Angus; Coldenknowis; Clericus Justiciarie; Lynclowden, Collector; Willelmus Keyth.

[1] This Sederunt in the Register represents a journey of the King noted by Calderwood (iv. 678) thus:—"The King taketh journey toward the south. From Tiviotdaill he went

Acta 1587–89. Although Johnne, Lord Maxwall, had become bound, before he departed abroad, not to return home without the King's special licence, yet he "is returnit of lait" without licence; "quhairby his Majestie is movit altogidder to suspect that his intentioun is to practize and putt in executioun, sa fer as he may, sic tressonabell purpoissis and divisis as wes brutit he hes bene acquentit and occupiit with during his absence furth of this realme, the same tending altogidder to the ourthraw of the trew and christeane religioun presentlie professit and avowit to be mantenit be his Majestie, and alteratioun of the present estate." Therefore, "seing it becumis his Hienes to provide tymous remeid alsweill for preventing of the dangerous eventis threatned be this kynd of dealing as for the suretie of his Majesteis gude subjectis quhilkis, be the crafty perswasionis and allurementis of the said Lord, or sum uther not weill devotit to his Hienes, may travell and have intelligence with thame to bring thame in sum grite dangear and inconvenient" proclamation is ordered, charging all the lieges not to reset or intercommune, publicly or privately, with Lord Maxwall, under pain of being held as art and part with him in his treasonable practices.[1] Page 31.

Act against resetting Lord Maxwell, recently returned from exile.

Divers tenants and servants of sundry barons and others of the Middle March having been lately delivered to the opposite wardens for the relief of this realm of certain English bills in which they were filed,—"for quhais relieff necessar it is that payment be maid be thair steilfellowis of sa mekle as thair pairtis of the saidis billis extendis to, according to the sweiring and valuatioun of the same,"—Archibald, Earl of Angus, Francis, Earl of Bothuill (for his lands in Teindale only), Alexander, Lord Hume (for Teindale), Williame Ker of Cesfurde, Andro Ker of Fairnyhirst, Walter Ker of Littilden, and Rutherfurde of Hundiley, as masters and landlords of the said "steilfellowis," become sureties for their paying their shares of the said bills, "according as the same ar or salbe sworne or valuat," to the person or persons "enterit in maner foirsaid for thair releiff," or else to the masters and landlords of the same, within six days after they are required, "undir the pane of payment of the double avale of thair pairtis of the saidis billis, and forder undir the pane of rebellioun."

Band of the masters and landlords of the "steil-fellowis" of divers Borderers of the Middle March in the custody of the English warden.

Band, executed at Abirdene, 27th April last, before Williame Forbes, apparent of Tolquhone, Duncane Forbes, his servant, Williame Leslie, servant of Williame Leslie of Wardres, and "Maisteris" Johnne [? Nicolsoun], Thomas Mollisoun, and James Davidsoun, notaries public, is registered by Mr Johnne Nicolson, advocate, as procurator for the parties. It contains

Edinburgh, 2nd May. Caution for a number of men of Aberdeen, that certain Leslies shall be harmless of them.

to the Merce." He was, in fact, on a visit of business to the Middle and East Marches, as had been pre-announced (*ante*, p. 271). He was back in Edinburgh early in May.

[1] According to Spotswood (p. 368), Lord Maxwell had just landed at Kirkcudbright,—"about the end of April" is the date he gives,—with the intention of promoting an insurrection in the western parts of Scotland in aid of the expected Spanish invasion of England. The rumour was that the invading Spanish army might even select the West of Scotland for their landing point.

caution by Williame Leslie of Wardres, Williame Forbes of Tolquhen, Acta 1587–89.
Williame Cuming of Inveralloquhy, and Gilbert Horum of Karnday, for
David Cargill, David Mar, younger, Thomas Philp, younger, James
Kennedy, Williame Gray, Thomas King, George Elphingstoun, Andro
Scheirare, Robert Sheirare, Laurence Messar, Robert Stewart, Thomas
Johnnestoun, James Stewart, Johnne Gray, George Gray, Thomas Nicol-
soun, George Nicolsoun, Andro Cullane, Alexander Menzies, Paull
Menzeis, Johnne Banerman, Johnne Bythe, Robert Sanders, Gilbert Blak,
Andro Hendirsoun, Thomas Forbes, Johnne Sanderis, Alexander Hume,
Johnne Sibbald, James Davidsoun, Alexander Robertsoun, Alexander
Andersoun, Johnne Andersoun, younger, Mr Andro Andirsoun, Andro
Lowsoun, George Lowsoun, Alexander Ronaldsoun, Walter Ronnaldsoun, Page 32.
Alexander Mollisoun, Patrik Mollisoun, Thomas Murray, Robert Watsoun,
Williame Lowsoun, Johnne Davidsoun, Robert Knowis, Robert Cullane,
Patrik Forbes, Johnne Rolland, Johnne Forbes at the Brig of Dee, Johnne
Arthour, Alexander Jaffray, cordiner, David Robertsoun, Robert Wisheart,
Johnne Bissett, George Troup, Johnne Tullidaff, Alexander Ros, and
Patrik Pratt, burgesses of Abirdene, in 500 merks each, that Alexander
Leslie, Andro Leslie, Normond Leslie, David Leslie, James Leslie, Mr
Thomas Leslie, Johnne Leslie and Patrik Leslie, burgesses of the said
burgh, shall be harmless of the said persons, in conformity with the
letters obtained by the complainers and the charge given by Thomas
Maneris, messenger, thereupon. Alexander Chalmer of Cultis, George
Gordoun, David Mar, elder, Mr David Ruthirfurde, bailies of the said
burgh, and Alexander Ruthirfurde, Alexander Cullane, Williame Menzeis,
elder, David Menzies, elder, David Menzeis, younger, James Seytoun,
Alexander Forbes, David Andirsoun, George Strauchane, councillors of
the burgh, become bound to relieve the cautioners,—the persons com-
plained of becoming cautioners in relief for the said bailies and coun-
cillors.

Edinburgh, 3rd May. Caution for William Kirkaldy of Grange and others.

Caution by Johnne Lyoun of Cossynis and Johnne Forrett of Fingask for Page 34.
Williame Kirkcaldy of Grange in 2000 merks, and for William Bruce in
Clintreis, David Bruce and Williame Bruce, his sons, and Williame
Thrawling in Sungait, in 500 merks each, that Mr Edward Bruce,
advocate, one of the commissaries of Edinburgh, shall be harmless of the
said persons.

Edinburgh, 6th May. Caution for John Leslie of Balquhan and other Leslies, that they will not harm certain Aberdonians.

Registration, by Alexander King, as procurator for Johnne Campbell of a Page 35.
Calder, Johnne Leslie of Balquhane, and Mr Williame Leslie of Sevilie, of
band, executed at Edinburgh, 14th April, before Johnne Leslie, burgess of
Abirdene, Patrik Leslie, son of James Leslie, burgess there, Williame
Scheill, servant of Johnne Leslie of Balquhane, Williame Dungwell,
servant of Mr Williame Leslie, containing caution by Johnne Campbell of
Calder for Johnne Leslie of Balquhane, Mr Williame Leslie of Sevilie,
Duncane Leslie of Petcaple, Patrik Leslie of Kincragy, George Leslie, his

Acta 1587–89. son, Andro Leslie of Newleslie, James Leslie, burgess of Abirdene, Mr Thomas Leslie, Johnne and Patrik Lesleis, sons of the said James, Williame Urie of Petfeythe, Johnne Leslie in Law, George and Walter Lesleis in Strechie, Williame Leslie in Wenrowrie, James Leslie at the Mylne of Quhythauch, Johnne Leslie in Abirsnaucht, James Leslie in Sentray, Robert Leslie in Courtestoun, Walter Leslie, his son, and Johnne Leslie in Kintor, that the burgesses, craftsmen, and inhabitants of Abirdene mentioned in the act of caution of 15th April (*ante*, p. 273),—with the exception of David Yndeauch, Robert Stewart, Magnus Duff, Robert Chalmer, Robert Wissert, Alexander Alchionar, Johnne Arthour, Mathew Guild, Gilbert Blaik, Andro Hendirsoun, and Laurence Maisar, whose names are now omitted,—together with Gilbert Cordinare and Patrik Molisoun, shall be harmless of the Laird of Balquhane and his friends and allies above named, under the pains mentioned in the letters executed against them by the foresaid inhabitants of Abirdene.

Page 36. Caution in £2000 by Archibald, Earl of Angus, for Johnne Turnbull of Mynto, that he shall appear before the Council when charged upon eight days' warning. Holyrood-house, 6th May. Caution for John Turnbull.

His Majesty, being certainly informed "how uthiris Princes and Potentatis in Europe have putt thame selffis in armes within thair kingdomes and dominionis, having in reddynes grite and mychtie armeis, preparit for sum grite purpois and exployte," albeit he "hes na grite occasioun to be zealous for his parte, standing in amytie and leagun with all the christeane Page 37. Esteatis and Kingdomes," yet finds it "nawayes meit nor convenient for his Estate that he suld ly secure and cairles of sic preparationis in this unquyet tyme, bot rather that his realme and people suld be in reddynes for all eventis inarmyt to withstand quhatsumevir power may meane within this realme for alteratioun of Religioun or inquieting of the tranquillitie of this Estate." Proclamation is, therefore, ordered at the market cross of Edinburgh, and in all other head burghs, commanding all earls, lords, barons, gentlemen, freeholders, and other fencible persons between 60 and 16 years, to prepare themselves, upon six hours' warning, "to ryse and marche with his Hienes commissaris to be appointit in every shyre," so that they may meet his Majesty "at sic dayis and placeis as thai sal be commandit be his nixt proclamatioun." To this effect, it is commanded "that every ane of the saidis fensible personis inarme thame selffis with hagbute, bow, speir, or twa-handit swerd, as thai ar best acquentit, and have the same in reddines agane the wapponshawing to be proclaimed immeditalie within everie shyre, undir the pane of tressoun."[1] Holyrood-house, 7th May. Proclamation to all the lieges to be in readiness to resist any invasion from abroad.

[1] This is the first open reference in the Register to that projected Spanish invasion of Great Britain which had been in all men's minds, in Scotland no less than in England, for several months. For, in fact, the news, was now most definite. King Philip's *Invincible Armada*, of 150 great Spanish ships, with 20,000 men on board, was in the Tagus, ready to sail under the command of the Duke of Medina Sidonia; and the Duke of Parma, who was to command the Spanish army when it should land on the doomed island, had his

Band for Patrick Abercromby.

Registration, by Alexander King, advocate, as procurator for the parties, of a band, executed at Birkinbog, 30th April, and witnessed by Johnne Murisoun, messenger, Henrie Leith of Ryhill, Williame Ros, wright, and James Harvy, writer, containing caution in 300 merks by Alexander Abircrumby of Pitmedden for Patrik Abircrumby, burgess of Abirdene, his brother, that Adam Watt at the Mylne of Westhall, with his two sons, George and Johnne, shall be harmless of the said Patrik,—for whom James Harvie, notary public, subscribes, "becaus I can not write." Acta 1587–89.

Band for Abercromby of Pitmedden.

Registration, by the same procurator, of a band, to the same effect, executed before the same witnesses at Cullane, 1st May, by Henry Leith of Ryhill in favour of "my gude freind Alexander Abircrumby of Pitmedden," in 1000 merks. Page 38.

Holyrood-house, 8th May.

Sederunt—Cancellarius; Mar; Thesaurarius; Coldenknowis; Clericus Justiciarie; Murdocairny; Prepositus de Linclowden.

To denounce Lord Maxwell.

Letters ordered to denounce Johnne, Lord Maxwall, for having disobeyed the charge given to him to appear and answer *super inquirendis.*

Edinburgh, 14th May. Caution for John Wishart of Pittarro.

Caution by Alexander Ousteane, tailor, burgess of Edinburgh, for Johnne Wisheart of Pittarro, that he shall pay to Sir David Lindsay of Edzell £4 for Sir David's relief of the lands of Carnbeggis, Mekle and Litle, for the first term's payment of the taxation of £40,000 granted by the small barons to his Majesty for their vote in Parliament, if he shall be decerned so to do. Page 39.

Band for William Leslie of Wardes.

Registration, by Alexander King, advocate, as procurator for the parties, of a band, dated at Abirdene, 29th April last, and witnessed by Johnne Forbes, fiar of Petnacadell, Patrik Mollisoun, burgess of Abirdene, and Mr Robert Paip and Mr Johnne Gray, notaries public, containing caution in £1000 by Johnne Collisoun, burgess of Abirdene, for Williame Leslie of Wardes, that he will not harm Williame Leslie in Crechie.

34,000 additional men collected in the Low Countries, with the transports that were to bring them into junction with the Armada on the English coast. While England was in armed enthusiasm from end to end for resistance to the invasion, Scotland could not be unmoved. By the recent league with England, indeed (vol. iii. p. 760, and *ante*, p. 86, footnote), Scotland was bound to make common cause with England, and to furnish her, if required, with an auxiliary army against the Spaniard; and this is what the Presbyterian bulk of the Scottish clergy and population would fain have seen carried into effect. The execution of Mary, however, had come as a sudden cause of new alienation between the two kindoms, robbing the League of its efficacy; and not only was there a considerable party in Scotland, consisting of the avowed or secret Roman Catholics, anxious to break with England on the old grounds, and therefore to ally themselves with Philip in his invasion of England, but a number of others, with the Earl of Bothwell conspicuous among them, were disposed to associate themselves with this party for the opportunity of a war with England in revenge for Queen Mary's death. The course resolved on by Chancellor Maitland and the majority of the Government, and which the King also favoured or adopted, was the middle course indicated by the present order. There was to be vigilance against the threatened Spanish Invasion, as full of danger to Scotland as well as to England; but the vigilance was meanwhile to be against risings in sympathy with the invasion within the bounds of Scotland. In fact, the district requiring most vigilance was the Border district generally, and especially the West March, where Lord Maxwell was now moving about and stirring up his insurrection (*ante*, p. 271).

Acta 1587-89. Band, to the same purpose, executed, witnessed (with the omission of Mr Robert Paip, notary), and registered as above, by George Gordoun of Little Gonill, bailie of Abirdene, for George Leslie of Kenmellis, and Page 40. Leonard Leslie, burgess of Abirdene, in 1000 merks each, and for Williame Leslie, servitor to Williame Leslie of Wardres, in 300 merks. Caution for Leslie of Kinmels.

Band, to the same purpose, dated and executed as above, Mr Johnne Gray, notary, being witness, by Alexander Chalmer of Cultis, bailie of Abirdene (who acts as procurator for the registration), for Williame Leslie of Mekle Warthill, and James Leslie, younger, burgess of Abirdene, in 1000 merks each. Caution for William Leslie of Meikle Warthill, and James Leslie, burgess of Aberdeen.

Page 41. *Sederunt*—Cancellarius; Episcopus Orcadensis; Pluscarden; Clericus Registri; Murdocairny; Lynclowden, Collector. Edinburgh, 15th May.

Complaint by Johnne Tullidaff, David Endeauch, Thomas Johnnestoun, David Carngill, Alexander Rannaldsoun, and George Strauchane, burgesses of Abirdene, as follows:—Johnne Leslie, son of James Leslie, burgess of the said burgh, by the persuasion of his said father, had alleged that the complainers had wrongously taken away from his house in Abirdene certain writs and evidents in October last, and so had obtained "upoun that sinister narratioun" letters charging them to answer before the Council, upon 27th March last, on pain of rebellion. Now, these letters have been craftily obtained, merely "to draw thame, being honnest peceable men, furth of thair awne town," so that the said James, Patrick Leslie, his son, and their friends, may have an opportunity "to attempt crueltie" against them. This will be seen from the "deductioun following":—Jonnett Huntar, wife of the said George Strauchane, "haveand abusit hir body in filthie adulterie with the said Patrik Leslie, and being convoyit with him to the said Johnne Lesleis house, thair to be delyverit of ane bairne gottin be the said Patrik upoun hir (quhairof the saidis complenaris wer surelie informed be the meidwyffe that handillit and cured hir)," the said George Strauchane had gone and complained to Mr Peter Blakburne, thair ordinary minister; "quhairupoun he, accumpanyed with the baillies of the said toun, and certane of the saidis complenaris with thame, quha wer freinds to the said George, past in peceable maner to the said hous, to have sercheit the said Jonnett for tryale of the said barne. And, finding hir removed furth of the bed quhairin sho wes laid be the said meidwyffe, and not knowing the rest of the secreitis of the said house (thair being mony prevey pairtis in it), thay depairtit furth agane with the saidis minister and baillies, undoing ony violent deid, ather in breking up of ony dur, kist, or ony uther thing." But, although the search had been so peaceably carried out, yet Johnne Leslie, apparent of Boquhane, and Gilbert and Andro Leslies, "his fader-brether," accompanied with many of the said Laird of Boquhane's "domesticall servandis" and friends, all armed with "jakkis, knapiscallis, pistollis, lang gunis," and other weapons, had, upon 16th March last, "umbesett certane of the said Suspension of letters obtained by John Leslie of Aberdeen, charging certain burgesses of Aberdeen to appear before the King and Council: Narrative of the case on the part of these burgesses.

complenaris nychtbouris repairand for the tyme to ane commoun mercatt Acta 1587-89.
in the cuntrey within xii myllis of the said burgh, callit the Trinitie Fair, upoun the Water of Dee, and thair then maist cruellie invadit thame with schote of gun, bow and swerdis, hurte and woundit foure or fyve of thame, to the effusioun of thair blude in grite quantitie and perrell of thair lyveis (throw the quhilk divers of thame lyis yit bedfast), cuttit and reft sevin of thair purssis and baggis fra thame, spuilyeit and reft thair haill merchandice and geir passand to the said mercatt, and maist shamefullie and cruellie demanyt, herreit, and wrakit thame." All this is the subject already of "ane uthir supplicatioun" by the complainers to the King and Council; and till there shall be decision on that, with punishment for the said crimes, the complainers, "being simple honnest men," dare not, for fear of their lives, appear before the Council to answer the said letters, seeing that the said Laird of Boquhane's friends "hes divers tymes laitlie cum and repairit in armour on horsbak aboute thair said toun, sercheand and seikand quhome they may be apprehend of the nychtbouris thairof purpoislie for thair slauchter, and hes sum of thame laid in the mouth and passageis be the gait betuix this and the said burgh, off deliberat purpois and mynd to execute thair malice and crueltie upoun sic of thair nycht- Page 42.
bouris as thai may be apprehend." Hence the deduction that the complainers cannot safely repair to the King and his Council to answer the said letters unless they are first protected and made secure.—Johnne Leslie had been summoned to appear this day, producing the said letters for consideration; and now, George Strauchane appearing for himself and the other complainers, but Leslie making no appearance, the Lords order the said letters to be suspended.

Alexander Cullen of Aberdeen and others against Mr Thomas Leslie, burgess of Aberdeen: Disputed property in fish.

Complaint by Alexander Cullane, son of Alexander Cullane, burgess of Abirdene, Alexander Forbes, Mr Williame Andirsoun, burgesses of the said burgh, Mr James and Patrik, sons of Williame Forbes of Tolquhone, James Menzies, and the other proprietors and tacksmen of the salmon fishing of Midchingle upon the Water of Dee, "baith stok and teind thairof," against Mr Thomas Leslie, burgess of Abirdene, as follows:—The said Leslie has obtained privy letters under the King's signet, and has proclaimed them at the market cross of Abirdene, charging the complainers, under pain of treason, not to intromit with the teind salmon fish of the said fishing, but to permit Patrik Cheyne of Essilmonth, "as ane neutrall persone," to uplift and retain the said teind fish till it be decided to whom they justly belong. The said letters also charge the complainers to deliver the teind fish to George Wobstar, residing in Abirdene, under the pain foresaid. Now, Thomas Manaris, messenger, executioner of the said letters, had refused to deliver to the complainers a copy thereof, nor did he affix any on the market cross, "be the quhilk the contentis of the said charge mycht cum to thair knawlege;"—besides which, the charge to deliver the teind fish to George Wobster is illegal, his name not being engrossed in the letters, and Cheyne having no power "to substitute ony persone under him," and there being chance of great prejudice to the complainers if they handed over Page 43.

Acta 1587–89. the fish to a person who would not be obliged to answer for the same. Farther, the letters are unjust in respect of their threatening the pain of treason in such a matter as this; "quhilk is ane civile caus, requirand the tryale first tane of the ordinare juge." For the said fish, both teind and "stok," belong to the complainers by good right, and have been intromitted with by them during many years bygone, without molestation, till of late, when the said Mr Thomas, with the assistance of Johnne Leslie of Balquhan, his kin and friends, "intendis be violence" to deprive them of the same, "aganis the quhilk violence and oppressioun it is lefull to the said complenaris to resist for mantenance of thair just rycht." Altogether, "it is a mater indeid far repugnant to all law, equitie and ressoun, to seclude thame fra the intromissioun with the saidis teindis; and the pratik hes bene very rare or nevir sene, that, quhair thair wes ane possessour be vertew of ane title, that he wes dispossest swa inordourlie in this maner; and, quhairas the narrative of the said letter hes ane plawsable face to cullour the extraordinare and pretendit forme thairof, to witt for avoiding of trouble quhilk may arise betuix pairteis, that can have na ressoun contrair the saidis complenaris, becaus thai never meanit nor meanis trouble on thair parte, quha hes and intendis onlie to mantene thair lang peceable possessioun be ordour of law, NE VIS FIAT." In these circumstances the said letters should be suspended *simpliciter*.—The said Alexander Cullane, elder, appearing as procurator for the complainers, with the exception of Mr James Forbes, who appears personally, and Mr Thomas Leslie being also present, and having, according to charge, produced the said letters, the Lords order the letters to be suspended *simpliciter*, the same having been "sinisterlie purchest and inordourlie past and direct, against the laws and Acts of Parliament and Council."

Page 44. Concerns the action pursued by Gilbert Menzeis of Pitfoddellis, provost, George Gordoun, Alexander Chalmer, Mr David Ruthirfurde and David Mar, bailies, of Abirdene, against James Leslie, elder, in Abirdene, Mr Thomas Leslie, Johnne and Patrik Leslies, his sons, David Leslie, Andro Leslie, Alexander Leslie and Normond Leslie, in Futtie, for production and suspension of the King's letters raised by them against the said magistrates.—The pursuers appearing by Alexander Ruthirfurde and Alexander Cullane, burgesses of Abirdene, and the said Mr Thomas Leslie appearing for himself and his colleagues, the Lords ordain the said provost and bailies to produce the "sentence of convictioun pronunceit be certane personis of inqueist" against the defenders foresaid before the Council on 31st May instant, "unto the quhilk day the said mater is continewit" *in statu quo;* and in the meantime the provost and bailies are discharged from putting the said sentence to execution. Provost and bailies of Aberdeen against certain Leslies.

Page 45. The action of Johnne Leslie of Balquhane against Alexander Ruthirfurde and Alexander Cullane reappears (see *ante*, p. 267). Parties being called, and the pursuer appearing by Mr Williame Leslie as his procurator, and the defenders appearing personally, the Lords remit the said matter to the decision of the justice-general and his deputies. Leslie of Balquhan against Alexander Rutherfurd and Alexander Cullen.

To denounce John Leslie, elder of Balquhan, for non-appearance to answer a charge of oppression and depredation by his family in Aberdeenshire.

Complaint by Alexander Abircrumby of Pitmedden, as follows:— Acta 1587-89. Johnne Leslie, apparent of Balquhan, accompanied by Andro Leslie and Gilbert Leslie, his father's brothers, Williame Leslie of Dummoy, Williame Gilchrist in Ryhill, Adam Watt at the Mylne of Westhall, George Watt and Johnne Watt, his sons, Alexander Crummy, his servant, Williame Hall, Michaell Leslie at Inche, Williame Lessell, messenger there, Adame Turnbull, George Bissait, Williame Leslie, apparent of Warthill, Adam Williamesoun, Patrik Leslie, son of James Leslie, burgess of Abirdene, with their accomplices, armed with warlike weapons, "hes travellit this langtyme bigane, and yit dois, throw the Garviauch, Buchane, Mar and uthiris pairtis within the sherefdome of Abirdene, using oppin and manifest reiffis, depredationis, heirshippis, slauchtaris, murthouris, tressonable fyre rasingis, and speciallie upoun the said complenare, his tennentis and servandis, and not onlie oppressis the tennentis, lauboraris of his ground, thair wyffis, bairnis and servandis, bot send a speciall letter to his house beirand that thai sould serve him richtuous air to his fader but a breiff; the meaning quhairof is that, like as umquhile Williame Leslie of Balquhan, guidsire to Johnne Leslie, now of Balquhan, brunt the said complenaris fader in his awne house, swa suld thay burne the said complenare in his house, and swa mak him his air. Quhilk letter he refused to ressave or reid, bot directed the beirare abak with it; and thairfoir, to the effect that he suld pretend na ignorance, thay send bak agane the same selff letter and causit the beirare thairof naill it on upoun his yett; and thairfoir, at the reding of the said letter, perceaving thair evill will and that his house in that cuntrey wes not able to preserve him fra fyre aganis sic a cumpany, he depairtit thairfra immediatlie thaireftir to the Boyne. Nochttheles, the said Johnne Leslie, younger, with his saidis compliceis, upoun the day eftir the affixing of the said letter, come to the said complenaris foirsaid house of Pitmedden, being laich mud bigging, and, hoiping to have fund himselff thair, thay, in sicht of all the cuntrey, at xii houris of the day, sett it on fyre the xxx day of Marche last bipast, becaus James and Robert Abircrummyis, his sones, with twa utheris servandis being within the same, wald not render the house and thair waponis to thame and cum in thair willis, but ony conditioun,—the like of quhilk tressonable attemptat wes nevir hard in ane Lawland of befoir sen the said uthir tressonable fyre-rasing and birning of the said complenaris fader committit be the said umquhile Williame and his compliceis. And not onlie hes the said Johnne Leslie, youngar, with his saidis complices, brint the said complenaris house foirsaid, bot hes reft the haill guidis furth thairof and of his ground of Pitmedden, and hes sittin doun in the house of Adam Watt, his servand and tennent, and takis up the dewiteis of his land, as giff the said Johnne Leslie wer laird of the ground, and makis the same the stoirhous and ressett of all the reiffis and depredationis that thay committ upoun uthiris of the cuntrey. And, the Page 46. said complenare having rased criminale letters chargeing thame to find souirtie to undirly the law for the saidis crymes to the xvii day of Maii nixt

Acta 1587-89. to cum, thay will wilfullie pas to the horne, because thay gayne mair be soirning nor be obedience to the lawis; and na man in that cuntrey dar seik commissioun or pas upoun be justice, seing that haill cuntrey is of thair surename, kin, freindis or assistaris, and all utheris mon pay thame blak meill, or than be subject to thair oppressionis; throw quhais example thair is innumerable multitudis and cumpanyes of utheris thevis, lymmaris and sornaris, start up in all quartaris of the cuntrey, and na man dar repair frome toun or toun without sluggorne, swa as the haill cuntrey wilbe opprest with sic cumpanyis in schorte space without his Majestie and the saidis Lordis tak sic summar and spedie ordour that the said Johnne Leslie, youngar, Andro and Gilbert Lesleis, his fader-brethir, as chiftaines and leidaris of the saidis cumpanyis be presentit to justice, quhilk lyis in the handis of the said Johnne Leslie, eldar, to do allanarlie." —Johnne Leslie, elder, had been summoned to appear this day, bringing with him his said son, together with his two brothers, and the other persons complained against; and now, the complainer appearing personally, but the said Johnne not appearing, nor any of the persons foresaid having been produced, the Lords ordain Johnne Leslie, elder, to be denounced rebel.

Continuation of the suit of the Earl of Caithness against Lord Oliphant.

With consent of Johnne Broun, burgess of Edinburgh, procurator for George, Earl of Caithnes, on the one part, and of Henry Adamesoun, burgess of Perth, procurator for Laurence, Lord Oliphant, on the other, the action by the Earl for suspension of the letters raised against him by Lord Oliphant is continued to 10th June next.

Edinburgh, 17th May.

Sederunt—Cancellarius; Episcopus Orcadensis; Coldenknowis; Culrois; Clericus Registri; Murdocairny; Barnbarrauch.

To denounce James Dunbar, sheriff of Elgin and Forres, and others, for not answering a charge of illegal arrest, trial and execution of one of the tenants of Cumming of Altyre.

Complaint by Thomas Cumyng of Altir, as follows:—By occasion of "the deidlie feid and inimitie" between him and his friends on the one side and James Dunbar of Cumnok, sheriff of Elgin and Fores, and his friends, on the other side, the complainer had obtained a decree before the Lords of Council and Session, dated 18th March 1582, granting exemption to him and his men from the jurisdiction of the said sheriff in all actions, criminal or civil, in time coming, "sa lang as the said deidlie feid and inimitie standis unreconsiliat." Notwithstanding this decree, which was published at the market crosses of Elgin and Forres, James Urquhart and Johnne Forsyith in Forres, sheriff deputes of the said sheriffdom, appointed by the said sheriff principal, Johnne Robertsoun, Andro Smyth, gardener, Thomas Johnnestoun, household men to the said sheriff principal, Arthour Murray, Johnne Dunbar *alias* Burgy, burgess of Forres, Johnne Cheisholme there, Patrik Andirsoun there, Williame Andirsoun, his son, Johnne Morgin, Johnne Haisbain in Bennagicht, Alexander Dunbar in Thornehill, Johnne Dunbar, son of David Dunbar *alias* Beikyie, Hucheoun Mylne, officer, Francie Bell, Mathew Makie, Johnne Rait, Michaell Nicolsoun, Johnne Gillandreis, Johnne Canyeoch in Bennagicht, David Skynnar,

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tailor there, and Alexander Dykare, all tenants or dependents of the said sheriff, had come, at his instigation, upon the last day of February last, "undir cloude and silence of nycht, aboute tuelff houris at evin, be way of brigancie, to the said complenaris propir landis and heritage of Tullidewie, and to the house of umquhile Robert M^c^intailliour, his tennent and servand, within the quhilk the said umquhile Robert wes for the tyme in peceable and quiet maner takand the nychtis rest, and maisterfullie and be force brak up the duris of the said house, enterit thairintill, putt violent handis in the said umquhile Robert, and tuke him as captive and prisonare with thame to the said schireffis Castle of Fores, putt him in the pitt thairof, quhairin thay held and detenit him in maist vile captivitie unto the fourte day of Marche instant; at quhilk day the said schireff and his deputis presentit the said umquhile Robert to ane courte hald in the tolbuith of Fores, and be certane usurpit and conjurit assisouris of thair awne, maid for that purpois, thay convictit the said umquhile Robert as ane theiff, and thairfoir maist wrangouslie, wilfullie and partiallie causit execute him to the deid, nochtwithstanding that the said complenare, be his procuratour, in oppin jugement, befoir the pronunceing of dome of convictioun, presentit the said decrete of exemptioun and publicatioun following thairupoun to the said shereff and his deputis, sitting in jugement, and deliverit to thame the just copie thairof, requiring thame to putt the said umquhile Robert to libertie and fredome, and to desist and ceis fra all proceding aganis him."—The sheriff principal, and the other persons above written, except Johnne Forsyith, sheriff-depute, had been charged to answer this day; and, as they do not appear, while the complainer appears personally, the Lords order them to be denounced rebels. Acta 1587–89.

Caution for Lady Swinton.

Caution in 1000 merks by Mathew Sinclair of Longformagous for Katherene Lauder, Lady Swyntoun, that Robert Heislop, minister and vicar of the parish of Swyntoun, shall be harmless of her,—David Edingtoun in Grenerig becoming cautioner in relief. Page 48.

Tweedie of Dreva ordered to pay £200 to James Stewart.

Adam Tuedy of Dreva, collector of the taxation of the shire of Peblis, is ordained to pay out of the same £200 to James Stewart of Shillinglaw, for the expenses of his son, Robert Stewart, "presentlie lying as plege in England."

A Convention of Estates.[1]

Holyrood-house, 20th May. Charge to certain Jesuits to surrender themselves within ten days, that they may be transported, with prohibition of farther resetting of such, under pain of death.

Although "sindrie Jesuitis and seminarie preistis, conjurit inemeyis to Godis treuth and all christeane governament, repairing frome forayne pairtis within this realme, of ane professit intentioun to seduce his Hienes gude and loving subjectis from God and frome thair dew obedience," had been charged by an Act of Parliament to depart out of this realm within a month after the publication of the Act, under the

[1] That the meeting of this day was more than a mere meeting of Council, and rather in the shape of a Convention of Estates, is clear from the wording of the second of the entries for the day.

Acta 1587–89. pain of death and confiscation of moveables (1587, c. 3, iii. 429), and though there had been subsequent charge to them to the same effect (*ante*, 232), "not onlie have thay cairleslie disdanit and dissobeyit baith the said Act and charge, bot, thairwith persisting and continewing in thair said wicked trade, have be thair craft sa fer prevaillit, and sum of the nobilitie, baronis and utheris, his gude subjectis of this realme, ar be thair meanis divertit frome the trew and christeane religioun sinceirlie professit be his Hienes, and have embraceit agane the antechristeane superstitioun of the Romane Kirk condampnit be God and his Hienes lawis." Therefore, proclamation is ordered at the market crosses of the head burghs, charging Mr James Gordoun, father-brother of the Earl of Huntley, Mr Edmond Hay, brother of Petir Hay of Meginche, Mr Williame Creichtoun, Mr Johnne Dury, Mr Gilbert M^{c}quhirry, Mr Gilbert Broun, and all other Jesuits and seminary priests within this realm, to surrender themselves to the Provost of Edinburgh under pain of "heichest tressoun," within ten days after the publication hereof, "to be lugeit be him in sic pairtis within the toun as he sall think convenient, thair to attend upoun the first opportunitie, wind and weddir [serving], for thair transporte furth of this realme": certifying those who disobey that it shall be lawful to any to "persew thame as commoun prayis and to putt violent handis into thame quhairevir thay may be apprehendit." Further, in respect that "the
Page 49. countenance and conforte quhilk the saidis Jesuitis hes fund this tyme bigane with sum of the nobilitie and barronis foirsaidis hes maist of all inanimatit thame to this rebellioun," the proclamation is to discharge all the lieges, "eftir the expiring of the foirsaidis dayis," from resetting or intercommuning with the foresaid persons, "or ony uthir of thair societie within or without this realme," under penalty of loss of life, lands and goods.[1]

Holyrood-house, 22nd May. King about to go to the West March in person: three levies ordered for attendance upon him and service there.

Proclamation having lately been made charging the lieges to hold themselves in readiness for repelling any attempted invasion (see *ante*, p. 277), and his Majesty now "having prufe and certane knawlege of the dangerous practizes and procedingis of sum inhabiting the West Marcheis of this realme foiranent England, and uthiris his unnaturall subjectis, tending sa fer as in thame lyis to the alteratioun of the religioun," and disturbing of the public tranquility of this realm, he has, "be avise of his Esteatis and Counsall presentlie convenit," resolved to repair to the West March in person. As it is necessary that he shall be "substantiouslie accumpanyed," it is ordered (1) that all earls, lords, barons, freeholders and substantious gentlemen, presently convened by the King's desire at Edinburgh, and all the other fencibles (yeomen and labourers of the ground only excepted) dwelling within the bounds of the shire of Edinburgh and constabulary of Hadingtoun, attended by their "substantious

[1] Five of the six Jesuits named in this order—to wit, Gordon, Hay, Dury, Crichton, and Macwhirrie—had been among those Jesuits and Roman Catholic agents denounced by the General Assembly of the preceding February in their memorials to the King (Calderwood, iv. 654, *et seq.*). They had been lingering in the country ever since.

houshaldis and freinds," and well armed, shall accompany the King from Haliruidhous to the West March upon Saturday next, 25th inst.; (2) that all persons of the same quality within the bounds of Beruik, Roxburgh, Selkirk, and Peblis shall meet his Majesty at the Castle of Craufurde upon Sunday next, 26th inst.; (3) that all persons of the quality foresaid within the shires of Forfair, Perth, Fyffe, Kinros, Clakmannane, Striveling, Dunbartane, Air, Renfrew, Lanark, Lynlythqu, Drumfreis and Wigtoun, stewartries of Stratharne, Menteith, Kirkcudbricht and Annanderdale, and bailiaries of Kyle, Carrik and Cunynghame, shall meet his Highness at Drumfreis upon Wednesday, 29th inst. All are to be "providit to remane" for 20 days with the King after their coming, and are to go where directed for the service required, under pain of loss of life, lands and goods. Acta 1587-89.

Edinburgh, 23rd May. Caution for Robert Cunningham.

Caution in 1000 merks by Johnne Shaw of Grenok for Robert Cunynghame of Quarreltoun, that he will not harm David Cochrane in Fairaikaris.

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Holyrood-house, 24th May. Exemptions from "oistis" null.

Order annulling all licences granted or to be granted to any for remaining away from "his Hienes oistis and armeyis," except only "ageit and diseased personis,"—who, however, must send "able men" as their substitutes. Proclamation to be made accordingly.

Caution for John Maxwell and James Murray.

Caution by Johnne Charterhous of Amisfeild for Johnne Maxwell of Buttilmanis and James Murray of Arnealmery, in £100 either of them, that they shall answer before the Council upon 15th June next to the complaint of Allane Mure, son of George Mure in Halmyre.

Dumfries, 28th May.[1] Charge to Lord Maxwell to surrender certain royal castles.

The King, understanding of the "lait tressonable practizes of Johnne, Lord Maxwall, laitlie returnit in this realme aganis his promeis" (see *ante*, p. 275) and his Highness's prohibition, and of his "surprising, taking and stuffing" certain royal castles, and also raising companies of horse and foot, orders letters charging him to render the castles of Lochmaben, Langholme, Traif, and Calaverik, to the officer executing the letters, within , under pain of treason.

Dumfries, 30th May.

Sederunt—PRESENTE REGE—Angus; Mar; Cancellarius; Hereis; Thesaurarius; Newbottle; Clericus Registri; Clericus Justiciarie; Murdocairny; Willelmus Keyth.

[1] The King, having recently been on a visit of business to the Middle and East Marches (*ante*, p. 271), is now on that more important visit of business to the West March in which he had just ordered armed levies to attend him. His chief object was the suppression of Lord Maxwell, who, after skulking about the country since his landing at Kirkcudbright (*ante*, p. 275 and note), had been in open rebellion since May 15, with a number of broken men in his retinue, and with various places of strength in his possession. Lord Herries, warden of the March, unable to cope with him, had gone to Edinburgh to represent matters to the King; and hence the present expedition of the King in person. He had arrived at Dumfries the day before that of the present sitting of Council, so unexpectedly that he had almost captured Maxwell in his house there. Maxwell had escaped to Galloway only about an hour before. "Some little resistance was made at the port," says Spotswood, "which gave him leisure to escape, and was excused by the toun's ignorance of the King his being there in person" (Spotswood, p. 368).

Acta 1587-89. Page 51.

Proclamation ordered of the rebellion of Lord Maxwell, and against resetting him, his bastard brother, or others of his adherents.

Notwithstanding the "mony grite favouris and benefeitis" bestowed by his Majesty upon Johnne, Lord Maxwall, "alsweill to promove him as to saulff him fra sindrie inconvenientis quhairin he had fallin," he has, since his late return (*ante*, pp. 275, 286), given "manifest demonstratioun of his ingratitude, temeratie, and indurat mynd to trouble and alter the quiet estate of this realme and of the trew and christeane religioun professit be his Majestie and all his faithfull and gude subjectis, be drawing in of strangearis, and, to preoccupat thair arryvall, hes causit his speciall kynnismen and houshald servandis surprise and occupy his Hienes awne houssis, and to stuff the same with victuallis and men of weir, tressonablie rased and payit be the said Lordis moyane." Letters are therefore ordered, to publish the "said erllis" now open treason, and to command the lieges not to reset or intercommune with him or Robert Maxwall, his bastard brother, or Mr David Maxwall, brother natural of the late Sir Robert Maxwall of Dynwiddie, or with any other person who has assisted them "sen thair lait publict rebellioun and defectioun," under pain of being punished as the principal offenders; and, "becaus the permitting of personis gilty in sic tressonable rebellioun to enjoy thair levingis and guidis sall bot encourage thame and uthiris of the like wicked dispositioun to interprise sic desperat interprissis every day," the chamberlains and tenants of the said rebels are commanded to keep sequestrated in their own hands till further notice the rents and duties of the lands and livings belonging to the said rebels.

Lord Herries and Sir John Gordon of Lochinvar, as cautioners for Lord Maxwell, declared to be liable for the caution money.

King's letters raised by Mr David M^{c}kgill of Nesbit, King's advocate, Mr Thomas Lyoun of Balduky, Master of Glammis, Treasurer, and Sir Robert Melvill of Murdocairny, Treasurer-depute, state that Johnne, Lord Maxwall, having obtained the King's licence to go abroad, had, as principal, with Johnne, Lord Hammiltoun, Williame, Lord Hereis, and Sir Johnne Gordoun of Lochinvar, as his sureties, become bound, upon the 12th April 1587, that the said principal should not return again to this country without his Majesty's leave, under a penalty of 10,000 merks (*ante*, p. 158), and that nevertheless he had returned, having landed in April last "in the north pairtis" and "repairit thairfra to the west and south pairtis," where he still remains. The foresaid caution, accordingly, has been forfeited.—Lord Hereis and Sir Johnne Gordoun having been summoned, and they and the Treasurer and his depute now appearing, the Lords decern the said Act to have been violated, and the two sureties present to be, therefore, liable as aforesaid, and ordain letters of horning and poinding,—"and the horning to be upoun ane simple charge of ten dayis allanerlie,"—to be directed for uplifting the said sum.

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Dumfries, 1st June. Proclamation for accompanying the King into Annandale, and for

As the King intends, God willing, to remove "towardis Lochmaben and uthiris pairtis of Annanderdale, and the landis sumtyme callit Debettable," proclamation is ordered at the market cross of Drumfreis charging all the lieges subject to this proclamation to be in full readiness to accompany his Majesty upoun one hour's warning, and in the meantime to appear in the

supplying his army with ale and other victuals.

tolbooth of Drumfreis "for the further knawledge of his Hienes plesure be sic as salbe direct to communicat the same to thame." All the barons, landed men "to landwart," and the magistrates of Drumfreis, Annand, Lochmaben, and of the landward towns adjacent both in Nithisdale and Annanderdale, are also commanded "with all possible diligence" to brew ale and carry the same and other victuals to the camp at Lochmaben, or elsewhere as may be needed, to be sold for ready money at reasonable prices; and, further, those subject to this levy are to "present thameselffis in wapponshawingis befoir his Hienes or his commissionaris at the first sound of the trumpett, every shyre and cuntrey be the selff, as alswa at the day of his Hienes removing," and "nane cum to this present armey" are to "tak on hand or presume to depairt thairfra quhill his Hienes removing furth of this cuntrey," under the pain of being punished as if they had not come.

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Proclamation charging those who have neglected the former order for accompanying the King in his present expedition to attend him without fail at Dumfries or Lochmaben on 12th June.

Refers to the proclamation of 22d May (see *ante*, p. 286) charging the lieges of certain quality within certain shires, stewartries and bailiaries, to meet his Majesty at Drumfries upon 29th of May. "And, albeit his Majestie sen his cuming to this West Marche hes found fer greitare contempt, rebellioun and inobedience then he louked for, in dissobeying of his chargeis and commandimentis, tressonable surprising, stuffing and withhalding of his awne houssis, and rasing oppin weare and hostilitie aganis his Hienes and his authoritie, not spairing to schute at his Hienes awne persoun, nevirtheles divers of the erllis, lordis and baronis, subject to have kepit the said last proclamatioun, hes outhir absentit thame, bidden at hame, and not cum to Drumfreis upoun the said xxix day of Maii last, upoun pretens of infirmitie, licenceis and ouersichtis, or, having anes cum, hes not cum sufficientlie armyit according to the said proclamatioun, or hes depairtit and past away lang befoir the outrynning of the space of xx dayis contentit in the said formar proclamatioun." Therefore, his Majesty "seing the necessitie of his Hienes service for the setling of the disordouris of the said West Marche will require his Hienes presence sum space langar within the same," proclamation is ordered at the market crosses of the head burghs of the specified shires, stewartries and bailiaries, charging those earls, lords, barons, freeholders and substantious gentlemen, dwelling within the said bounds, who have disobeyed the command already given to them, to meet the King at Drumfreis or Lochmaben upon 12th June instant, under pain of loss of life, lands, and goods, sufficiently armed, and provided to remain for 20 days, "nochtwithstanding ony pretens of infirmitie, not being extreme seiknes, or quhatsumevir licenceis or ouersichtis grantit in ony tyme bigane, in respect his Hienes in proper persone is on the feildis."

The case of Duncan Mac-Dougall of Dunolly again.

The time having expired that was appointed to the reverend father in God, Neill, Bishop of Ergyle, for reporting upon the commission granted to him for taking trial whether or not Dougall M^{c}soirll V^{c}allister, and Angus M^{c}soirll V^{c}allaster, his brother, were, upon 5th March last or since, the men of Duncane M^{c}kdougall, fiar of Dunnoldycht (*ante*, p. 264), and the Bishop having refused or delayed to report, a new com-

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Acta 1587–89. mission to the same effect is given to Johnne Stewart of Appin, who is required to report by the 10th of July next.

Caution for William Charteris in Towshaw.

Caution in 500 merks by Andro Cunynghame, burgess of Drumfreis, for Williame Chartouris in Towshaw, that he shall answer before the Council upon 12th June to a complaint of Robert Maxwall of Nethir Rerik,— Mr George Tod, notary public, subscribing the act for Chartouris, "becaus I can not write myselff."

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Caution for Herbert Paterson and Gilbert Mure.

Caution in 300 merks by Johnne Maxwall of Conheth for Harbart Patersoun in Quhytepark and Gilbert Mure there, that they shall answer before the Council upon 1st July next a complaint of Allan Mure, son of Gilbert Mure in Halmyre.

Caution for Roger Herries.

Caution in 500 merks by James Lindsay of Fairgarth for Roger Hereis of Madinpap, that he shall answer upon 1st July next to a complaint of Johnne Andirsoun, servant of Mr Thomas Craig, advocate.

Lochmaben, 10th June.

Caution for George Campbell in Logan.

Caution by Andro Chalmer of Wrichthill for George Campbell in Logane, that he shall pay to Symon M°Crystie of Monkhill the sum of £25, 6s. 8d. for the taxation of the £25, 6s. 8d. land of Logane, in case it shall be found he ought, in conformity with the letters executed against him by James Creichtoun, messenger. Robert Campell, notary public, subscribes for George Campbell, "becaus I can not write myselff."

Dumfries, 13th June.

Sederunt—Ut in die predicto.

To denounce Maxwell of Dinwiddie and Maxwell of the Isle.

Order to denounce Archibald Maxwell of Dynwiddie and Edward Maxwell of the Ile for having disobeyed the charge summoning them to appear before the Council to give their advice "twicheing the quieting of the West Marche and intertenying of the peax betuix the twa realmes."

Suspension of horning against William Charteris in Towshaw.

Complaint by Williame Charterous in Towshaw that, for his alleged neglect to answer to a complaint of "oppressionis" said to have been committed by him against Robert Maxwall of Nethir Rerik, the said

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Robert had obtained letters putting him to the horn. The complainer having never been lawfully served with a copy of the said letters, the knowledge of the charge had come to his ears only "lang eftir the using of the said horning"; and, moreover, he has found caution for his appearance to answer the complaint. Therefore the said letters ought to be suspended *simpliciter*.—The complainer appearing personally, but the defender not appearing, the Lords do suspend the letters.

Dumfries, 14th June.

Caution for a number of Maxwells and others.

Caution by Stewart of Garleis for Johnne Maxwall of Conheith, in £2000; by M°Culloch of Mertoun for Robert Charteris of Kelwode, in £1000; by George Mure of Halmyre for Robert Maxwall of Keltoun, in 1000 merks; by Johnne Maxwall of Kirkconnell for Thomas Edzar in Bowhous, in 2000 merks; by Edward Maxwall of Tynwell for James Maxwall of Porterak, in £1000; by Sir Johnne Gordoun of Lochinvar for

Sir Robert Maxwall of Spottis, in 5000 merks (deleted by warrant subscribed by the King and his Chancellor at Leyth 15th October 1589); by Johnne Broun of Carsluith for Edward Maxwall of Drumcowtrane, in 1000 merks; by Alexander M°kgy of Balmagy for Edward Maxwall of the Hillis, in £2000; by James Lindsay of Barclay for Alexander Maxwall of Balgredane, in £1000; by Thomas M°clellane of Bombie for Edward Maxwall, fiar of Lamyngtoun, in 5000 merks (deleted by a warrant subscribed by the King, his Chancellor, and the Treasurer-depute, at Dunfermling, 2nd Dec. 1588); by Symon Adamesoun of Lochirwode for Robert Maxwall of Kirktoun, in £1000; by Uthred M°Dowell of Mondork for Robert Maxwall of Gararie, in 1000 merks: that the foresaid principals "sall treulie serve and obey the Kingis Majestie, his lieutenant or wardane, and sall entir and compeir personalie befoir his Hienes and his Prevey Counsall, or his lieutennent or wardane, being within the west wardanrie, on xlviii houris wairning, and, being without the same, on six dayis wairning." The principals oblige themselves to relieve their cautioners, Sir Patrik Vans of Barnbarrauch becoming cautioner in relief of the said Uchred M°kdowell. Acta 1587–89. Page 57.

Dumfries, 18th June. To denounce MacLean of Dowart, for not answering a charge of murder and oppression preferred against him by his step-father, Maclan of Ardnamurchan.

Letters raised by Mr David M°kgill of Nesbitt, King's advocate, state that, Lauchlane [M°clane] of Dowart "having of a lang tyme bigane conspirit and in hairt concludit the cruell murthour and slauchter causles of Johnne M°kane of Ardmurchin and his freindis, and seiking all meanis and wayes for executioun thairof, at last, quhen as be force and violence the said Lauchane could not prevale, he travellit be craft and policie. And first indirectlie be ane outward professioun, and thaireftir directlie be his awne servand, he gaif the said Johnne M°kane to undirstand that he bure ane singulair gude will and favour towardis him, and that he wes desirous of his freindship, offerring for the bettir mantenance of freindship amangis thame thaireftir the mariage of Jonnet Campbell, moder to the said Lauchlane; quhilk being lykeit of be the said Johnne M°kane, at last, at the said Lauchlanis eirnist desyre and requeist, the said Johnne repairit to the toun and place of Torluisk upoun the twelft day of Aprile last bipast; quhair, eftir sum commoning and conference had upoun the said mariage, in end the same wes accomplissed be the accustomed forme and ordour of the cuntrey, the bankett maid, gude countenance and intertenyment shawne by all pairteis; and at nycht the said Johnne M°kane wes convoyed be the hand be the said Lauchlane to his moderis awne chalmer and bed, purpoislie to cullour his mischeiff, and that the said Johnne M°kane, and his freindis quhilkis beheld the same, mycht be cairles of thair awne suretie, as indeid thai depairtit immediatlie thaireftir to tak the same nychtis rest in ane uthir house or barne ewest to the parte quhair the said Johnne M°kane wes, loukeing for na harme nor injurie of ony persone, and cheiflie of the said Lauchlane or ony of his, in respect of his formar behaviour and actioun foirsaid. Nevirtheles, immediatlie eftir thay had fallin on slep, the said Lauchlane and his compliceis, armed with

Acta 1587–89. havirshonis, swerds and durkis, enterit perforce within the said house or barne, and in maist cruell and barbarous maner, without pitie or compassioun, unmercifullie murdreist and slew thame to the nowmer of auchtene personis, gentlemen, besydis utheris; and, not satisfeid thairwith, repaired immediatlie thaireftir to the chalmer quhair the said Johnne M^{c}kane wes lyand, and with the like crueltie persewit him, like as thai, at the same tyme, had bereft him of his lyff, wer not his awne bettir defens, and the lamentable crying oute and eirnist sute of the said Lauchlanis moder, for quhais caus at last thay spaired his lyffe, detening him nochtwithstanding sensyne, with Allaster M^{c}kane, and Angus M^{c}kane, his page, in strait firmance and captivitie, putting his persone to dalie tortour and panis, and on nawise will putt thame to liberty without he be compellit." —Lauchlane M^{c}clane had been duly summoned to appear before the Council, bringing with him the said Johnne, Allaster, and Angus, his captives, that they might be set at liberty, and also to answer to the above complaint; and now, as he does not appear, while Mr David M^{c}kgill appears by Johnne Campbell of Calder, his procurator, the order is to denounce him rebel.

Page 58. Caution by James Lindsay of Barcloy and Alexander Maxwall of Balgredane for Johnne Maxwall of Buttilmanis and James Murray of Arnealmery, "ather of thame" in 1000 merks, that Allane Mure, son of George Mure of Halmyre shall be harmless of them; also, that they shall answer when required, upon 15 days' warning, before the Justice "for the tressonable rasing of fyre upoun the halff of the landis of Quhytepark," belonging to the said Allane, and for other crimes. Dumfries, 19th June. Caution for John Maxwell and James Murray.

Caution by Johnne Carrutheris, younger, of Holmendis, for James Raa in Hieta, by Robert Johnnstoun of Brigholme and Andro Johnnestoun of Kirktoun for Johnne Slauchtar and Gilbert Johnnestoun, and by Williame Creichtoun of Libree for Andro Pula, in 1000 merks each, that the said principals shall "do nor attempt na thing in hurte or prejudice of his Majestie, his estate, or authoritie," and shall appear before the Council or the Justice when required on 15 days' warning. Dumfries, 20th June. Caution for James Rae and others.

Robert Maxwall of Castlemylk having shown himself a "principall inventair, devysare, houndar and steirare up" of the late rebellion on the West Marche, and deserving "dew punishment of his demeritis," proclamation is ordered at the market crosses of Drumfreis, Lochmaben, Annand and other places needful, discharging the lieges from resetting or intercommuning with him. Farther, the King promises "in the worde of a Prince" that any others of the rebels and fugitives who may "bring the said Robert Maxwall quik to his Majestie, or, being slane, will bring his heid," shall have free pardon, "with a thowsand pundis of reward," and that any of his obedient subjects "that will interprise and performe the said Dumfries, 23rd June. Proclamation against the resetting of Robert Maxwell, with offer of reward for his apprehension, dead or alive.

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service" shall have "twa thowsand pundis of rewarde thankfullie pait to thame without delay." Acta 1587–89.

Dumfries, 24th June. Proclamation that his Majesty, having done all that is possible at present in the West March, intends to return thither in October next, to take order with the relics of the rebellion: with order for two new levies to attend him on 1st October.

In order to quell the rebellion on the West March, so dangerous to the true religion and the peace with England, and "quhairby strangearis mycht be the rather encourageit and allured to entir in this land for the overthraw of the professouris of the said trew religioun," his Majesty had come into the West March in person, and has remained there "sa lang as his loving subjectis, inhabitantis of the in-cuntrey, convenientlie mycht continew on sa shorte wairning, not being provydit of carreage and palyeonis to ly on the feildis." Now, however, "albeit God hes grantit unto his Hienes gude and happy succes, to the ouerthraw and just punishment off the gritest parte of thame that hes kythit thame selffis in dissobedience to his contempt, nevirtheles, a nowmer of the thevis and disordourit people that evir hes bene peax-brekaris and the avowit enemeyis of all his Hienes trew subjectis yit lyis oute and continewis inobedient, thinking to repair thair sacked houssis, to win thair cornis now growand, and to posses still thair rowmes and duelling houssis, and to mak frayis and prayis of the guidis of his Hienes trew legis inhabiting the cuntreyis maist ewest." On this account his Majesty, with advice of his Council, "hes been moved resolutlie to conclude his returning to the Bordouris in the moneth of October nixt to cum," and therefore now orders proclamation at the market crosses of the head burghs of the shires of Edinburgh principal and within the constabulary of Hadingtoun, Lynlythqu, Beruik, Roxburgh, Selkirk, Peblis, Striviling, Clackmannane, Kinros, Fyffe, Perth, Forfair, Kincardin, Abirdene, Banff, Elgin, Forres, Narne, Inuernes, and Cromartie, and the stewartries of Stratharne and Menteith, charging all the fencibles within the said bounds to meet his Majesty at Peblis upon the 1st of October next, sufficiently armed and having 30 days' victuals, "with carreage and palyeonis to ly on the feildis," and in like manner the fencibles within the shires of Lanark, Renfrew, Dunbartane, Air, Tarbart or Ergyle, Wigtoun and Drumfries, stewartries of Kirkcudbrycht and Annanderdale, and bailiaries of Kyle, Carrik, and Cunynghame, armed and provided as aforesaid, to meet him at Drumfreis on the said day, under pain of loss of life, lands and goods,[1]

[1] As at this point the King's expedition to the West March ends, a summary of the results, from Spotswood (pp. 368,369) and Calderwood (iv. 678,679), may be a useful addition to the information conveyed by the entries in the Register from p. 247 onwards:—The pursuit of Lord Maxwell himself, who had escaped from Dumfries on the King's approach (*ante*, p. 286, footnote), had been committed to the well-known Sir William Stewart, brother of ex-Chancellor Arran. After chasing Maxwell hither and thither at sea on the Ayrshire coast, Stewart had captured him in a wood on the 5th of June and brought him a prisoner to Dumfries. The various castles which the Maxwells had manned had yielded easily to summons, with the exception of that of Lochmaben, which did not yield till Sunday, June 9, when the the captain, Mr David Maxwell, and five others, were hanged for their brief resistance. Robert Maxwell, the bastard brother of Lord Maxwell, who had stood out for a time, "burning, killing, and hoching," had at length disappeared, fearing that his

Acta 1587–89. Page 60.

Registration, by Mr Henry Balfour, advocate, as procurator, of a band, executed at Carnbie, 24th June, in presence of James Melvill, Robert Melvill, Alexander Melvill, and Williame Ramsay, containing caution in 1000 merks by Sir Johnne Melvill of Carnbie for David Ramsay of Clettie, that Williame Oliphant, his tenants and servants, shall be harmless of the said David. Edinburgh, 27th June. Caution for David Ramsay of Clattie.

Caution in 3000 merks by Cuthbert Elphingstoun of Hendirstoun for Johnne Cunynghame of Drumquhassill, that Williame Cunynghame of Polmais Cunynghame shall be harmless of him till 10th August next. Edinburgh, 2nd July. Caution for Cunningham of Drumquhassil.

Caution in 1000 merks by Alexander, Bishop of Brechin, and Patrik Barclay of Towy, for Duncane M^{c}kdougall, fiar of Dunnoldycht, that he will not harm Johnne M^{c}ewin V^{c}priour of Barmurchin. Edinburgh, 8th July. Caution for Duncan Macdougall.

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Caution by the following persons, as principals and sureties, for each other, viz., James Foullis of Colingtoun in £500, Johnne Fairlie of Comestoun (Swanstoun) in 500 merks, and Johnne Ros, portioner of Swanstoun, in £200, that Barbara Douglas, relict of Andro Yorstoun, portioner of Swanstoun, and Andro Yorstoun, her son, shall be harmless of them. Caution for Foulis of Colinton and two others.

Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band, executed at Paislay, 6th July, containing caution in 500 merks by Williame Cochrane of that Ilk, Johnne Cochrane, one of the bailies of Paislay, and Robert Stewart, burgess there, that Robert Cunynghame of Quarreltoun shall be harmless of David Cochrane in Fairakerlie, "beand the said Robertis awne tennent and ane pure man," in conformity with the letters directed by the Lords of Privy Council at the said Robert's instance (see *ante*, p. 286). The obligation is witnessed by Williame Wallace, younger, of Johnnestoun, Williame Cochrane, son of the said Johnne, Cuthbert (? Archibald) Semple of Auchinboichtie, and Johnne Stewart, younger, of Barscube,—Thomas Inglis, notary public, subscribing for Robert Stewart, who cannot write, and Bartholomew Pirrhie, notary public, for David Cochrane and Robert Stewart, who confess the same inability. Caution for David Cochrane.

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Sederunt—Rex; Cancellarius; Huntley; Athoill; Bothuill; Hereis; Orknay; Barnbarrauch; Clericus Registri; Clericus Justiciarie; Georgius Douglas; Willelmus Keyth; Magister Petrus Young. Holyrood-house, 12th July.

Complaint of Thomas Tait of Adamhill that Johnne Wallace of Cragy, bailie of Kyle Stewart, has denounced him rebel, or intends to do so, for Suspension of horning against Tait of Adamhill for non-payment of his taxes.

followers would betray him. Thus all was satisfactory in the West March so far; and on the 27th of June the King, "committing the governement of the countrie to the Erle of Angus, returned to Edinburgh, and brought with him the Lord Maxwell, who was warded into Robert Gourlaye's hous in Edinburgh, and committed to the custodie of Sir William Stewart." The clever capture of Maxwell, in fact, had made Sir William Stewart the hero of the expedition.

not having paid to the collector appointed by Wallace the sum of £10, being the complainer's share, for his £5 land of Adamhill and £5 land of Knokindaill, of the first instalment of the tax granted to his Majesty by the small barons for their vote in Parliament. Tait contends that the letters have been "maist wranguslie" obtained, because he and the other barons of the said bailiary and of Airshire, "being chargeit of befoir, be vertew of uthiris letters past upoun the generall act maid for uplifting of the said taxt, to have convenit, chosin and authorized be thair commissioun twa of thair nowmer quhome thay thocht maist meit to direct and have vote in Parliament," had met, and, "be commoun consent and aggreement of the haill baronis and cheiflie of the Schireff of Air and Laird of Cragy," had appointed May 31st last for their further convening and choosing of the said Commissioners, and in the meantime had agreed,—"like as the said Johnne Wallace, to quhais charge the execution of the saidis letters wes committit, promittit,"—that all further execution of the said letters should cease; and because, notwithstanding such agreement and promise, the said Johnne Wallace, "in the tyme quhen thai ar absent furth of the cuntrey, attending upoun his Majesteis service, and quhenas, be ressoun thairof, thay mycht not keip the said appointit dyet of electioun," has "maid a forme of electioun, as alswa hes constitute a collectour for ingaddering of the said taxt, na pouer being grantit be thame in quhais persoun the said electioun wes establissed, nather be his Majesteis letters nor uthirwayes hes he ony commissioun to this effect." All this having, as appears, been "done of very malice purposlie to trouble the said complenare," and the complainer, all the same, having consigned the said sum of £10 in the hands of the Clerk of the Council, his prayer is that the said letters be suspended.—Johnne Wallace, James Cunynghame of Inchegottrik, his collector, and Adam Turbat, messenger, executioner of the said letters, having been summoned to answer, but making no appearance, while the complainer appears by his son and apparent heir, the Lords do suspend the said letters. Acta 1587–89.

Suspension of horning against Herbert Paterson and Gilbert Mure.

Complaint by Harbart Patersoun in Quhytepark and Gilbert Mure there that, for their alleged disobedience to a charge to answer to a complaint of oppression made against them by Allan Mure, son of George Mure in Halmyre, they have been, at his instance, denounced rebels. They represent that they were not personally summoned, nor received a copy of the letters, so that they had only heard of the charge after they were put to the horn; and therefore, and also because they have already found caution for their appearance to answer the complaint (*ante*, p. 289), they crave that the said letters be suspended.—The complainers appearing by George Redik, as their procurator, but Allane failing to appear, the Lords do suspend the letters. Page 63.

To denounce John Dickson in Haddington, for not answering a complaint.

Complaint of Adam Carkettle, and Thomas Fiddes, his tenant of his lands of Nonland, as follows:—On the 2nd of February 1586, Johnne Diksoun in Hadingtoun, or some persons instigated by him, had come to the complainer's lands in Nonland and "cuttit his pleuch lyand upoun the saidis

Acta 1587–89. landis and haill ornamentis thairof in peceis"; in March following, Johnne, or at least some others at his instance, had come again, at 12 hours at night, to the same place and carried away a new plough, which they also cut in pieces; and, "not satisfeid thairwith, but willing forder to extend thair inimytie and evill will," the said Johnne, with convocation of the lieges to the number of 60 armed persons on horse, had come, "upoun the xxviii day of August instant," at 11 hours at night, to the lands foresaid, and "tred, trampit doun and eit with thair horssis the said maist of the said complenaris cornis growand thairupoun, and remanit upoun the same landis, distroyand the saidis landis fra ellevin houris at evin till fyve houris in the morning, and syn past to the said complenaris houssis of the landis foirsaidis, and maisterfullie and be way of deid cuttit the cupplis of the same, and tirvit the saidis houssis, and kaist the same doun to the ground, and daylie and continuallie bostis, invadis and persewis the saidis complenaris for thair bodilie harme and slauchter; quhilk oppressioun albeit the saidis complenaris mycht not onlie withstand and resist, bot repair the same with the like or gretare, yit, for the reverence thay beir to
Page 64. his Majestie, thai have abstenit to attempt the same."—The complainer appearing, but Johnne Diksoun not appearing this day as charged, the Lords order Diksoun to be denounced rebel.

Registration, by Mr Johnne Dempstar, advocate in Edinburgh, as procurator, of a band executed at Roskene, 28th June, in presence of Robert Ros in Petcalnyt, Williame Smelling, Gawine Fiddes, and Robert Innes, notary public, containing caution in £1000 by Walter Innes of Innerbraky for Williame Ros in Preisthill and Williame Innes of Candieruffe, that Andro Monro of Douachartie shall be harmless of them, according to the letters directed by the Council against the said principals. Caution for William Ross and William Innes.

Caution by Johnne Maxwall of Conheith for Johnne Maxwall in Logane in 2000 merks, and for Mathew Carruthiris in £500, that George Gordoun in Candidyew shall be harmless of them. Caution for John Maxwell and Matthew Carruthers.

Caution in 2000 merks by Johnne Touris of Innerleith for Henry Dewar in Lochamont, that Mr Thomas Craig, advocate, his tenants and servants, shall be harmless of the said Dewar. Edinburgh, 15th July. Caution for Henry Dewar.

Page 65. *Sederunt*—Cancellarius; Bothuill; Orknay; Coldenknowis; Clericus Registri; Helenhill. Edinburgh, 17th July.

Complaint by Johnne Somervill of Cambusnethan, as follows:—James, his eldest son, and Johnne, his "oy," having "shaikin af thair naturall dewitie and obedience," at last, "eftir divers injureis and oppressionis patientlie sufferrit be him of thame," the said Johnne, his grandson, incited by the said James, had come, upon last, to the complainer's place of Cambusnethane, and "at the yett thairof" most barbarously "hocheit ane hors" belonging to one of his tenants. Again, upon following, Johnne, his said grandson, "accumpanyed with certane utheris slicht Suit of John Somerville of Cambusnethan against his son and his grandson for molestation and depredations: the accused denounced rebels.

personis," had, by his father's instigation, "come to the said complenaris harrowis labourand his awne manis and ground, and, eftir thai had cruellie strukin and dung his servandis," had taken away two horses out of his harrows. Further, the said James [? Johnne], similarly hounded on, had returned on the 28th of March last to "the said complenaris harrowis," and taken away three horses, "eftir thai had injuriouslie strukin and dung his servandis." Last of all, the said Johnne Somervill, "accumpanyed with Johnne Rid, his awne servand, Williame Dalzell in Ridmyre, Thomas Lewaris, Williame Weir, servandis to Bellenden of Corhous, Williame Weir in Hauchis, and Williame Weddell thair, servandis to Williame Weir of Stanebyris," with sundry others, all armed, had come to Cambusnethane upon 6th April last between the hours of 4 and 5 in the morning, "and reft violentlie the keyis fra the portair, enterit perforce in ane chalmer quhair sindrie gentilmen wer sleipand, and sesit thameselffis thairin with thair pistollettis and hagbutis, and thaireftir, be way of hamesuckin and oppressioun, brak up the sindrie durris, and nochtwithstanding, being disapointed of thair wicked interprise, immediatlie forceablie that way thay returned, brak up the stable dur, and reft and awaytuke ane gray hors worth ." The two chief culprits and their said accomplices having been charged to appear this day to have "undirlyne punishment for thair proude and unnaturall behaviour," but not appearing, while the pursuer appears by Robert Chirnesyde, his procurator, the Lords order the defaulters to be denounced rebels. Acta 1587-89.

Edinburgh, 19th July. Caution for Macdougall of Dunolly.

Caution in £3000 by Johnne Campbell of Calder for Dougall M^c^kdowgall of Dunnoldycht, that Duncane M^c^kdougall, fiar of Dunnoldicht, his tenants and servants, shall be harmless of the said Dougall,—Allane M^c^kdougall of Ragaray becoming cautioner in relief. Page 66.

Holyrood-house, 20th July. Act assigning the second term's payment of the tax of the small barons for the repair of Edinburgh Castle, and regulating the mode of payment thereof.

Inasmuch as, "for speciall and gude respectis moving the small baronis and frehaldaris of this realme convenit," they had, at the time of the holding of the Parliament in July 1587, made a "free and willing offer" of £40,000 to his Majesty, "for the necessair supporte of the effearis of his estate," to be paid in three instalments, whereof the first term's payment, extending to 20,000 merks, is already appointed to be paid to Thomas, Master of Glammis, treasurer, "for certane his Majesteis speciall effearis" (*ante*, p. 274), his Majesty now,—"considering the estate of his castell of Edinburgh, not onlie ruynous in divers duelling houssis and uthiris pairtis of the same maist requisite to be fortifeit, bot als wanting sufficient provisioun of poulder and bullett, and the ordinance and munitioun wanting stokkis, quheillis, and uthir furnitur necessair thairfoir quhen occasioun salbe to imploy the same ather within the said castell or on the feildis,"—finds "nane of his effearis mair requisite quhairupoun the secund termes payment of the same sowme can be bestowit nor upoun the beiting and reparatioun of the said castell of Edinburgh, being the first and principall strenth of the realme, quhairin the registeris, jewellis and movablis of the

Acta 1587–89. croun ar ordinarlie preservit." Therefore, to the effect the said sum may be applied for this purpose only, the King, with advice of his Council, assigns the second term's payment, viz., 20,000 merks, to Sir James Hume of Coldenknowis, captain of the said castle, and ordains the collectors underwritten, chosen by the barons and freeholders of the shires, stewartries and bailiaries following, for the ingathering of the *first* term's payment, to uplift and receive also the *second* term's payment, each within the bounds already allocated to him, "according to the taxt roll maid thairupoun," and to account for the same to the said captain on or before 1st November next, under pain of rebellion, viz.:—in the shire of Invernes, Robert Monro of Foullis; Cromartie, Urquhart, tutor of Cromartie; Narne, Johnne Campbell of Caddell; Elgin and Forres, Cuming of Ernesyde; Banff, Mr Johnne Duff of Maldavatt; Abirdene, Alexander Irwing of Drum; Kincardin, of Grenehill; Forfar, James Skryngeour of Dudop; Perth, Ogilvy of Inchemartine; stewartry of Stratharne, Williame Murray of Lettirbannauchty; stewartry of Menteith, Paull Dog of Dunrobyn; shire of Fyffe, Mr David Carnegy of Culluthy; Kinros, Williame Douglas of Lochlevin; Clakmannane, Robert Bruce of Clakmannane; Striviling, Alexander Bruce of Airth and Sir James Striviling of Keir; Lanark, Maxwall of Calderwode; Renfrew, Patrik Houstoun of that Ilk; Dunbartane, James Galbraith of Kilcreuch; Air, Hew Campbell of Terrinyeane; bailiary of Kyle-Stewart, Johnne
Page 67. Wallace of Cragy; bailiary of Carrik, Kennedy of Cloncard; bailiary of Cunynghame, Robert, Master of Eglintoun; shire of Wigtoun, Symon M^cCristie of Monkhill; stewartry of Kirkcudbrycht, Robert Charteris of Kelwode; shire of Drumfreis, Johnne Maitland of Ecclis; Lynlythqu, Dundas of that Ilk; Edinburgh, Ottirburne of Reidhall; constabulary of Hadingtoun, Mr George Lauder of Bas; shire of Berwik, George Hume of Weddirburne; Roxburgh, Johnne Cranstoun of that Ilk; Selkirk, Murray of Fawlawhill; Peblis, Adam Teudy of Dreva; Ergyle and Tarbart, Sir James Campbell of Ardkinglas; Bute, Johnne Stewart, sheriff of Bute. "For mair sure payment of the same sowme," there is an order to uplift the sum of 20s. from every poundland of old extent, belonging to the said small barons and freeholders, held by them immediately of the King or of any other superior, or held of them by any other subject; and the heritors and possessors of the same lands are charged to pay the sum foresaid for every poundland to the said baron or freeholder of every shire who is elected collector, within 15 days after being charged, under pain of rebellion.

Caution by Williame Wallatt in Touch and Robert Kellop of Mure- Edinburgh, 22nd July.[1] Caution for Abraham Welwood and others.

[1] The previous day, July 21, 1588, was the day of a marriage on which the King had set his heart,—that of George, Earl of Huntly, with Henrietta Stewart, daughter of Esme, the late Duke, and sister of Ludovic, the present Duke, of Lennox. The marriage was performed by Adamson, Archbishop of St Andrews, in defiance of a resolution of the Presbytery of Edinburgh requiring the Earl to give satisfactory public proof first of his steadiness to the Reformed Religion.

toun for Abraham Wallatt of Wester Badrig, Thomas Wallatt in Dumfermling, and Johnne Bankis, in 500 merks each, that Robert Bruce of Badrig, his tenants and servants, shall be harmless of them, "speciallie in using and josing of his gaittis and passageis to and fra his heuch of Badrig for convoying of the coillis and watter fra the same." Acta 1587–89.

Edinburgh, 24th July. Caution for Matthew Stewart.

Caution in 500 merks by Alexander Ogilvy of Boyne for Mathew Stewart in Hordingis, that he will not harme Johnne Watt in Cliftbog.

Edinburgh, 25th July. Caution for John Dickson.

Caution in 200 merks by Jonnett (? Johnne) Arnott, provost of Edinburgh, for Johnne Dicksoun in Hadingtoun, that he shall answer before the Council upon 1st August next to a complaint of Adam Carkettle, and Thomas Fiddes, his tenant of his lands of Nonland. Page 68.

Edinburgh, 26th July. Caution for Agnes Auchterlony and John Oliphant.

Caution by Williame Oliphant of Newtoun for Agnes Auchtirlony, relict of Johnne Guthree of Hiltoun, and Johnne Oliphant, now her spouse, in 1000 merks "ather of thame," that they will not harm Mr Walter Lindsay of Balgai.

Caution for George Cairns.

Caution in 400 merks by Edward Morisoun of Edinghame for George Cairnis in Kip, that he will not harm Richard Maxwall of Moncheittis. Page 104.

A Convention of Estates.[1]

Holyrood-house, 27th July.

Sederunt—Rege presente—Hammiltoun; Cancellarius; Athoill; Erroll; Mar; Thesaurarius; Clericus Justiciarie; Clericus Registri; Coldenknowis; Newbottle; Culrois. Page 68.

Order for the better and surer administration of justice in the Borders and the Highlands.

Inasmuch as "the hevy wrak and daylie oppressioun that the trew and peceable subjectis inhabiting the cuntreyis ewest the Bordouris and Hielandis sufferis throw the stouth and reiff of thair guidis be the thevis

[1] Though the recorded sederunt of this day indicates nothing like a Convention of the Estates, the wording of the present order and of the next proves that the meeting did pass for a convention. Spotswood, indeed, notes a meeting of the Estates about this time, though he gives "the beginning of August" as the date, and says that the meeting had been called by the King because certain news had at last arrived that the Spanish Armada was under sail for Britain. In fact the Armada had entered the English Channel on the 19th of July, and from that day the English Lord High Admiral, Lord Howard of Effingham, with his Vice-Admirals, Drake, Hawkins, and Frobisher, had been doing whatever English valour and seamanship could do to stay the approaching monster, and wreck it by its own unwieldiness within the Channel itself. Hanging, with their smaller and swifter English ships, on the skirts of the huge mass of great Spanish galleons, attacking and fighting when they could, and letting go hold for a moment only to attack and fight again, they had, on the 20th of July, the very day of the present entry, driven the Armada to anchor off Calais, much damaged and disheartened, and were still besetting her there. Whether she should be able to loosen herself from the French coast and pass over to the English on her fatal errand depended much now on what might be done for her relief and assistance by the Duke of Parma, with his army and transports on the adjacent coasts of Flanders; but the invasion of England was still a possibility.—All this, in those days of slow news, was still unknown in Scotland. What was known there was simply the fact that the Armada was somewhere on or near the British shores. All through July the general alarm on this account had been complicated by alarms that the landing might be in Scotland and that it was through Scotland that the Spaniards might make their way into

Acta 1587–89. and brokin men inhabiting the same Bordouris and Hielandis" is a matter "lamented to his Hienes and his Esteatis presentlie assembled"; and because of "the difficultie quhilk trew men hes in seiking of the redres of thair skaithis, in respect of the mantenance and favouris quhilkis the thevis and lymmaris oftymes hes of thair landislordis, chiftanis of thair clannis, or officiaris within quhais jurisdictionis thay dwell, schiftand and constrenand the complenaris be mony unnecessar delayis to repair unto thame to thair accustomat placeis of courtehalding, quhair very sendle of a lang tyme bipast hes ony justice bene ministred"; and because, even though there might be "sum shaw" of justice in these circumstances, "yit, throw the multitude of deidlie feidis and unsure passage, nather dar the complenaris nor sic as knawis the treuth of the cryme, and ar meitast to be assisouris, pas thair to persew justice nor publictlie avow the treuth for feir of thair lyveis, nor, thogh thay gatt sum portioun of thair awne geir restored, can nocht gett the same saulflie brocht hame, bot subject to have the same neulie reft fra thame and thame selffis slane or maid prisonaris": Therefore the King's Majestie, "with avise of his Esteatis presentlie assembled," has ordained that whoever has suffered loss "be stouth or reiff of thair guidis or birning or distructioun of thair cornis" since the meeting of Parliament at Lynlythqu, upon 10th December 1585, or whoever shall hereafter suffer loss "be personis inhabiting the Hielandis or
Page 69. Bordouris," shall present thair complaints to the King, or to the justice-clerk, or his depute, with information "how thay will verefie the personis complenit upon to be foull; quhairupoun letters salbe direct, or a precept, chargeing the personis complenit upoun thame selffis to compeir personalie, or the landislordis, chiftanis of the clan, or principallis of the branche, undir quhais plege the saidis offendaris ar comprehendit, to present thame, befoir the Justice or his deputis in the tolbuith of Edinburgh, at ane certane day upoun fyftene dayis wairning, to answer to thair tryale upoun the said complaint. At quhilk day the personis complenit upoun comperand salbe inquirit upoun the treuth of that deid; quhilk giff thai grant, thay sall presentlie find gude souirtie for satisfactioun of the pairty complenare, and the availl and quantitie to be gevin to his aith. And, giff the personis accused denyis, thay sall likwayes then find souirtie, befoir thay remove furth of the tolbuith, to compeir and undirly the law for the same at ane uthir day upoun fyftene dayis wairning, agane the quhilk the complenare sal have letters and caus summond ane assyse to thame; be the quhilk assyse giff the personis complenit upon happynnis to be convict, thay salbe execute to the deid without favour or delay, and, giff thai be acquyte, sal have thair coistis, skaythis and expenssis payed to thame be the accusare, at the modificatioun of the justice, justice-clark, or thair deputis present." In case the persons complained of, or their

England.—The registered minutes of the Convention or Privy Council for this day are important; but they concern, it will be observed, matters of domestic rule and administration only, and make no distinct reference to the all-engrossing subject of the Armada.

masters and chiefs, as aforesaid, being lawfully warned, "failyeis to compeir at the first day to answer to thair tryale as said is," then "thay salbe haldin gilty and culpable of the cryme be thair said non-comperance, and the depositionis of twa or three witnessis salbe ressaved to testifie the treuth of the deid, and immediatlie the availl and quantitie salbe referrit to the aith of the complenare, and he sal have presentlie decrete and executoriallis thairupoun aganis the principall offendouris or thair maisteris, landislordis, baillies, or utheris oblist for thair gude reule be the generall band and lawis of this realme, according to the effect and tennour of the new Act of Parliament" (1587, c. 59, iii. 461–467). Acta 1587-89.

Appointment of a numerous commission charged with powers for executing the laws against Jesuits and Papists and other more miscellaneous delinquents, and also with extensive powers of other kinds: provosts and bailies to be Commissioners within burghs; list of the Commissioners for the shires.

Recites the Act of Parliament, passed 29th July 1587 and proclaimed 14th August following, charging all Jesuits and seminary priests to leave the country within one month, under pain of death (Acts, iii. 429), and proceeds to explain that, "becaus his Majestie and Esteatis perceavis be gude experience the inconvenient that hes followed throw the default of non-putting of the same Act to dew executioun," therefore his Majesty Page 70. has appointed the persons undermentioned as commissioners and justices, with the usual powers contained in commissions of justiciary (*e.g.*, *ante*, pp. 12–14), to apprehend, and either present for trial before the justice in the tolbuith of Edinburgh or themselves try and "minister justice" upon the following classes of offenders:—(1) Jesuits and seminary priests, including Mr James Gordoun, uncle of the Earl of Huntley, Mr Edmond Hay, brother of the goodman of Meginche, Mr Williame Creichtoun, Mr Johnne Dury, Mr Alexander M^c^kquhirry, Gilbert Broun, sometime abbot of Newabbey, Ker, son of Robert Ker, elder, burgess of Edinburgh, and others of that profession, "in cais thai sall not depairt furth of this realme and entir thameselffis to the Provest of Edinburgh to be lugeit quhill the occasioun serve to transporte thame according to the proclamatioun publist to that effect" (*ante*, p. 285); (2) rebels remaining at the horn for "slauchteris or sic utheris odious crymes;" and (3) sorners, brigands, and masterful vagabonds.—But the Commissioners are not to be limited to these judicial operations. They are to have the following additional powers:—(I.) "To inquire quhat feidis or varianceis standis betuix ony pairteis, inhabitantis within the shyris and boundis appointit to thame, and quha wer the maist able and indifferent freindis to be imployed for componing and awaytaking thairof, and to require and command thame to travell to that effect, and the personis standing at variance to submittt thameselffis to the moderatioun and arbitriment of the saidis indifferent freinds, according to the effect and meaning of the generall band subscryvit be his Hienes and divers of his Esteatis, or, in cais of refuse or delay, to certifie the same to his Majestie and his Counsall with all convenient diligence, that sic further ordour may be tane thairanent as appertenis"; (II.) "To move certane of the maist worthie and zealous personis in every parrochin to tak upoun thame the commissioun for execution of the Act of Parliament maid for punishment of strang and Page 71. idill beggaris and releiff of the pure and impotent" (1574, iii. 86–89);

Acta 1587-89. (III.) "To proclame and caus mak wapponshawingis of all fensible personis in the boundis particularlie limitat to thame, and to charge thame to convene in armes at all occasionis neidfull for defens of the cuntrey and resisting of all outward and domestique invasioun tending to the danger of Godis trew religioun or to the trouble of his Hienes estate and commoun quietnes of this realme"; (IV.) "To charge and require all his Hienes gude subjectis to concur and assist thame in the executioun of the premisses."—The Commissioners invested with these extensive powers are to do their "exact diligence," under a penalty of £1000 each for remissness or negligence; they are to make their first report to the King or to the Clerk of the Council upon the 1st October next, their second on the 1st of February following, and so forth quarterly upon the first days of May, August, October, and February, during the time of the commission,—which is to continue for a year after the date hereof, and farther till specially discharged.—The said Commissioners for the cities and burghs are to be the provosts and bailies thereof, each provost or set of bailies "acting within the selff and liberteis of the same," and for the "cuntrey to landwart," the following are the selected persons, viz.:—

for Orkney and Zetland; Coline M^{c}kanzie of Kintaill and Robert Monro of Foullis for Invernes and Cromarty; Johnne Campbell of Calder, sheriff of Narne, for Narne; James Dunbar of Cumnok, sheriff of Elgin and Fores, James Dunbar of Tarbart, and Johnne Grant of Frewchie, for Elgin and Fores; Williame Douglas of Lochlevin, sheriff wardator of Banff, and Walter Ogilvy of Findlettir, for Banff; Francis, Earl of Erroll, and George, Earl of Marshaell, for Kincardin; David, Earl of Craufurde, Thomas, Master of Glammis, treasurer, and James, Lord Innermeyth, for Forfar; Johnne, Earl of Athoill, Sir Williame Murray of Tullibardin, Alexander Blair of Bathiok, and Patrik Ogilvy of Inchemartine, for Perth, Stratharne, and Menteith; Andro, Earl of Rothes, James, Master of Lindsay, Mr Williame Lundy of that Ilk, and Mr David Carnegy of Culluthy, for Fyffe; Williame Douglas of Lochlevin for Kinros; Williame Menteith of Kers, Robert Bruce of Clakmannane, and James Seytoun of Tullibody, for Clakmannane; Johnne, Earl of Mar, for Striviling; Ludovik, Duke of Lennox, sheriff of Dunbartane, Umphra Colhoun of Lus, George Buchannane of that Ilk, and James Galbraith of Kilcreuch, for Dunbartane; Archibald, Earl of Ergyle, and his tutors, for Ergyle or Tarbert; Sir Mathew Campbell of Lowdoun, or Hew Campbell of Terrinyeane, his son and apparent heir, Robert, Lord Boyd, Robert, Master of Eglintoun, Johnne Wallace of Cragy, Johnne Kennedy of Blairquhan, bailie wardator of Carrik, for Air, Kyle, Carrik and Cunynghame; Johnne, Lord Hammiltoun, and Alexander, Earl of Glencairne, for Renfrew; the said Lord Hammiltoun for Lanark; George Dundas of that Ilk for Lynlythqu; Archibald, Earl of Angus, Francis, Earl Bothuill, Williame, Lord Hay of Yester, and Sir Johnne Maitland of Thirlstane, chancellor, for Edinburgh, Hadingtoun and Lauderdale; Sir James Hume of Coldenknowis, David Hume of Weddirburne, and Alexander Hume of

Hutounhall, for Beruick; Williame Ker of Cesfurde and Walter Scott of Branxholme for Roxburgh and Selkirk; Williame, Lord Hay of Yester, for Peblis; James Johnnestoun of Dunskelly, Robert, Lord Criechtoun of Sanquhair, sheriff of Drumfreis, James Douglas of Drumlangrig, and Johnne Gordoun of Lochinvar, for Drumfreis, Kirkcudbright, and Annanderdale; Alexander Stewart of Garleis, Uthred M^c^kdowell of Garthland, and Sir Patrik Vans, for Wigtoun.—Publication of the premisses is to be made by open proclamation at the market crosses of the head burghs. Acta 1587–89. Page 72.

Measures for more effective execution of the Act 1579, c. 12, renewed in 1585, for punishment of sturdy and idle beggars and relief of the genuine poor.

Preamble states that the Act of Parliament "intitulat for Punishment of strang and idle Beggaris and Releiff of the Pure and Impotent" (1579, c. 12, iii. 139) had taken "verie gude effect for a certane space at the beginning within the portis of the burgh of Edinburgh," but, "throw default of the like affectioun, zeale and diligence in uthiris pairtis of the cuntrey," had fallen into decay, and that, though renewed in May 1585 (vol. iii. p. 383), it had been again rendered inoperative "throw Godis visitatioun be the pestilence, quhilk [continued ?] sa lang within the burgh of Edinburgh, the toun of Leith, the Cannogait and uthiris suburbis of the burgh of Edinburgh," and then, during the last year, "throw the grite derth and scairstie that wes in all pairtis of the realme." Although, "at the plesour of God," the dearth had been removed, "yit ceissis not a continuall confluence of strang and idill wandering beggaris to repair, frome all pairtis of the cuntrey, to the presence of his Hienes, his nobilitie, courte and counsall, and to the said burgh of Edinburgh, suburbis and boundis adjacent thairto, usand thameselffis in maist troublesum and fasheux maner, and, throw exclamationis and inoportunitie, gettis that almous quhairwith the pure and impotent, ageit and miserable personis, bedrallis, and uthiris aucht to be sustenit, besyde the monyfauld oppressionis, stowthis, maisterfull reiffis and utheris inconvenientis quhilkis the saidis strang and idle wandering beggaris daylie committis upoun the pure to landwart, quhilkis may not resist thame."—Therefore, his Majesty, with advice of his Council, ordains that, within ten days after proclamation hereof at the market cross of Edinburgh and the market crosses of the other head burghs, all judges ordinary shall see the said Act duly executed in all points within the bounds of their jurisdictions, under the pains contained in the said Act. The proclamation is to "charge all wandering beggaris and vagaboundis, that thai repair with all speid to the parrochynnis quhair thay wer borne, or had thair cheiff residence during the space of sevin yeiris last bipast," certifying those that "sal happin to be takin wandering and misordouring thameselffis" that they "salbe apprehendit, convict, kepit in prisone or stokkis, scurgeit, or brynt throw the earis with hett irnis." It is to order also "that na persone nor personis gif ony mony, harborie, or lugeing, sett hous, or shaw ony uther releiff, to ony vagabound or strang beggar wantand a sufficient licence and testimoniall, except onlie in thair passage to the place quhair thay wer borne and suld mak thair abiding heireftir,"—offenders to "pay sic unlaw to the pure of the parrochin as be the said

Acta 1587–89. Act of Parliament is appointed." Further, all "jugeis ordinare" and others commissioned are "to prepair commoun prisonis, stokkis or irnis, within thair jurisdictionis," for the keeping of contraveners of the said Act, under the pains provided by the Act.

Page 73. The execution of the foresaid Act of Parliament having been committed to the provosts and bailies of towns, and to such as shall be appointed justices by the King in landward parishes or by the Lords of regality within the same, his Majesty now, willing that commissions shall be expede to the effect foresaid, ordains commissions to be passed under the signet "to sic personis in every parrochin as salbe nominat be his Hienes commissionaris constitute in ecclesiasticall caussis, for executioun of the said Act of Parliament." Addition to the number of "commissionis for the pure."

Caution in £2000 by Alexander, Master of Elphingstoun, for Johnne Cunynghame of Drumquhassill, that Cuthbert Cunynghame, provost of Dunbartane, his tenants and servants, shall be harmless of the said Cunynghame. Caution for Cunningham of Drumquhassil.

The King having directed Francis, Earl Bothuill, to proceed to the North Isles "for repressing of the insolence and reduceing to his Hienes obedience of a grite nowmer of disordourit personis, inhabitantis thairof, be quhome his Majesteis peceable and gude subjectis ar havelie opprest and the tred of fisheing in thai pairtis gritlie impedit," and certain companies of men having been levied to accompany the Earl, which, however, cannot "gudlie be transported to the saidis pairtis, nor yit at thair being thair serve to ony purpois without sum advancement of money afoirhand for bying of poulder, bullett, victuallis and all uthir provisioun and preparationis requisite," it is accordingly ordered that the general, Thomas Achesoun, master, and the other officers of the mint, shall coin four score stone weight of eight and four penny pieces in addition to the "quantitie expressit in the Act and ordinance maid upoun" the 13th October last, and shall deliver the profit of the same to the said Earl to the effect foresaid, "deduceand onlie the workemenis wageis, of the first and reddiest thairof." Holyrood-house, 30th July. Order for additional coinage, the profits of the same to be delivered to the Earl Bothwell for the expenses of an expedition to the North Isles with which he has been charged.

Page 74. *Sederunt*—Cancellarius; Thesaurarius; Neubottle; Coldenknowis; Clericus Justiciarie; Clericus Registri; Culrois; Computorum Rotulator; Barnbarrauch; Helenehill; Murdocairny. Edinburgh, 31st July.

Complaint by Williame Cunynghame of Caprintoun, as follows:—He and certain other barons in Airshire "having convenit laitlie within the burgh of Air for electing of ane Collectour, according to the charge gevin to thame, for ingaddering of the taxt within the said sherefdome grantit be the small baronis for thair vote in Parliament" (*cf. ante*, p. 294), and finding it "than requisite that the consent of the haill barronis suld be had to the said electioun," the election had been continued to the 31st day of May last, and warning to that effect had been given to the barons absent as well as to those present. Johnne Wallace of Craigy, bailie of Kyle Stewart, who was present at the meeting, had consented to this arrangement, and also Suspension of horning against Cunningham of Capringtoun for non-payment of his share of the Lesser Barons' tax.

"promittit that all forder executioun of ony letters quhairof he had the directioun tuicheing the payment of the said taxt suld ceis in the meantyme." Yet, as the complainer is informed, "the said Johnne hes now, in the tyme of his Hienes present Conventioun, quhairunto he [the complainer] repairit be his Majesteis missive letters and presentlie remanis, attending upoun his Hienes," charged him by open proclamation at the market cross of Air, by certain general letters, to pay as his part of the tax £67, 8s. 8d. for his lands in Kyle Stewart, under pain of rebellion, "intending of verie malice to caus denunce the said complenare rebell and putt him to the horne" if he fails. No collector is yet chosen by the barons, nor is there mention in the said letters to whom the money should be paid; but, "becaus be this extraordinare doing the said complenare wes drevin to a uncertantie," he has now paid the said sum to Master Thomas Lyoun, Master of Glammïs, his Majesty's Treasurer, Collector-general of the said tax, as his acquittance shows. In all the circumstances, he pleads, the said letters of horning ought to be suspended *simpliciter*.—The said Johnne Wallace, and Adam Turbat, messenger, executioner of the said letters, having been duly summoned, but not appearing, while the complainer appears and produces his said acquittance, dated at Haliruidhous the 20th of May last, the Lords do suspend the letters *simpliciter*. Acta 1587-89.

In the matter of the action of the Provost and Bailies of Aberdeen against certain Leslies of that burgh.

Action at the instance of Gilbert Menzeis of Pitfoddellis, provost, and George Gordoun, Alexander Chalmer, Mr David Ruthirfurde and David Mar, bailies, of Abirdene, against James Leslie, elder, in Abirdene, Mr Thomas, Johnne, and Patrik Lesleis, his sons, David Leslie, Andro Leslie, Alexander Leslie, and Normond Leslie in Futtie, for "productioun and suspensioun" of the King's letters raised by them against the said provost and bailies for certain causes contained in the said letters.—"Quhilkis being callit," Mr David Ruthirfurde, one of the bailies, appears for himself and in name of the other pursuers, and produces, as required, "ane decrete and sentence of convictioun pronunceit be certane personis of inqueist aganis the saidis James Leslie, his sonnis, and uthiris thair colligis particularlie abonementionat," dated 26th February last. He also produces a certificate from Mr Johnne Kennedy, common clerk of their burgh, testifying that Thomas Philp, younger, who had been summoned before the Council to bear witness in this cause, had gone abroad upon 13th July instant. But Andro Gair, Andro Adie, maltman, and Johnne Duncane, who had likewise been summoned, appearing personally, and the said Mr Thomas being also present for himself and in name of his colleagues abovenamed, the Lords "dischargeis the saidis provest and baillies, yit as of befoir, of all putting of the said decrete and sentence to executioun aganis the said Mr Thomas Leslie and remanent his colligis particularlie abonementionat unto the last day of Januare nixt to cum, to the effect thay may persew for reductioun of the same decrete and sentence in the meantyme befoir the jugeis competent thairto." Page 75.

Oath of Alexander Guthrie of that Ilk in

Charge had been given by Mr Walter Lindsay of Balgayis to Alexander Guthrie of that Ilk to answer before the King and Council to his complaint

Acta 1587–89. "tuicheing the said Alexanderis cuming, accumpanyed with certane personis bodin in armes, to the said Mr Walteris landis of Hiltoun upoun the xxvii day of Junii last bipast, and intrometting with certane turff cassin be his servandis in his name and to his use, and leiding of the same to the Lonheid, quhair the said Alexander tressonablie rased fyre, brint and distroyed the saidis turvis, dispyte of the said Mr Walter." And now, both parties appearing personally, Mr Walter referred the matter "*simpliciter* to the said Alexanderis aith"; and he, being sworn, "declairit that he causit nocht the saidis turffis to be led and brynt upoun certane knawlege had be him that thai onywayes appertenit to the said Mr Walter, nor yit in dispyte of him, bot onlie led and brynt the same turffis for guiding of his land, as being informed be his awne servandis that thay appertenit to himself, and that it mycht be that thair wer sum of Mr Walteris turffis amangis thame." Upon this declaration the said Mr Walter "askit act and instrument." the matter of a complaint against him by Mr Walter Lindsay.

Complaint of Mr James Hering, provost and minister at Methven, as follows:—Johnne Stewart in Cassoquhy, Laurence Stewart and Robert Stewart, his brothers, David Maxtoun, captain of Logy, Williame Kinyeoch, officer there, William Broun at the mill thereof, Johnne Masoun there, Patrik Rollok there, Johnne Mathie there, Donald Lorne there, Johnne Douglas there, Douglas there, Patrik Spadie, gardener there, Johnne Brysoun there, Thomas Brysoun in Glenalmond, Johnne Andirsoun and Williame Andirsoun, brothers there, and others their accomplices, "with convocatioun of his Majesteis legis to the nowmer of lx personis or thairby," all armed, had, "upoun the thrid day of September instant, being the Sabboth day, at sax houris at evin or thairby, come to the said com- To denounce John Stewart in Cassoquhy, and his two brothers, for not answering a complaint of Mr James Heron, minister of Methven.

Page 76. plenaris mans in the Kirktoun of Methven, and thair violentlie and be way of deid brak up the yettis thairof, and sercheit and socht him for his bodilie harme and slauchtar; like as thai perforce brak his barne durris, and reft, spuilyeit and awaytuke the haill cornis being thairintill, extending to thretty scoir thraveis of aittis,—for transporting and carying away of the quhilkis thay brocht with thame tuenty sleddis or thairby,—and had the same away with thame to the boundis of Glenalmond." Even yet "thai boist, trouble, minasse and persew the said complenare, in sic sorte as for feir of his lyffe he may nocht use nor discharge his cure, nor repair nor mak residence at his kirk"; for "upoun Tuisday last, the xii day of this instant, the foirsaidis personis come undir silence and cloude of nycht to the said complenaris said mans, brak up his yettis agane perforce, and shamefullie cutted and distroyed the hedgeing of his yaird and orcheard, with the frute treis thairof, and caryed away with thame three hors laid of frute, and band his man, callit Malcolme Caird, gairdnare, hand and fute, and straik him maist cruellie in divers pairtis of his body, and left him for deid."—Johnne Stewart of Cassoquhy, and Laurence Stewart and Robert Stewart, his brothers, having been summoned to answer, but not appearing, while the complainer appears personally, the order is to denounce the defaulters rebels.

Caution for Laurence Drummond.

Caution in 1000 merks by Johnne Drummond of Pityallony for Laurence Drummond in Cargill, that James Rob of Balquhomie, his wife, bairns, tenants and servants, shall be harmless of him and his. Acta 1587–89.

Caution for Hamilton of Innerwick.

Caution in 2000 merks by Sir James Maxwall of Calderwode for Alexander Hammiltoun of Innerweik, that Mr Archibald Monypenny of Pilrig, his family and tenants, shall be harmless of the said Alexander,—Hew Hammiltoun of Creichnes becoming cautioner in relief.

Caution for Lovell, fiar of Balumbie.

Caution by Williame Scott of Abbotishall for Williame Lovell, fiar of Ballumbie, in 1000 merks, and for Gilbert Lovell, Alexander Blook, and Thomas Burnfeild, his servants, in 500 merks each, that they will not harm James Durhame of Pityarro. Page 77.

Caution for Bannerman of Waterton.

Caution by Johnne, Master of Forbes, and Alexander Murray of Cowbairdy, for George Banerman of Wattertoun, in £500, and by the said George for his two servants, Williame Finlaw and Johnne Mowatt, in 300 merks "ather of thame," that they will not harm Mr Andro Harvy of Blairis.

Edinburgh, 1st Aug.[1] Orders for general readiness to receive and resist the Spanish Armada, should it appear or attempt a landing on any part of the Scottish coast.

Sederunt—REX; Cancellarius; Erroll; Hereis; Thesaurarius; Episcopus Orcadensis; Culrois; Pluscarden; Coldenknowis; Computorum Rotulator; Clericus Registri; Barnbarrauch; Murdocairny; Willelmus Keyth.

Inasmuch as "the foreyne preparations threatned of befoir for prosequu-

[1] Two deaths which had happened in the end of the month just concluded may be mentioned here together.—One was that of Sir William Stewart, the captor of Lord Maxwell, in the King's late expedition to the West March, and therefore the hero of that expedition (*ante*, p. 292, footnote). Elated by that feat, as was supposed, he had, since his return to Edinburgh, had high words on some subject with the Earl of Bothwell, with the result that they had given each other the lie at Court on the 10th of July, and that, on the 30th of the same month, Bothwell had attacked him in the High Street. Sir William "stobbed" one of Bothwell's company, "and left his sword sticking in him"; Bothwell pursued him and "stobbed him with his rapper"; and, finally, Sir William having taken refuge in a "hollow celler" or sunk shop in the street, "they stobbed him with whingers whill he was dispatched" (Calderwood, iv. 679, 680). Bothwell remained at Court, "nothing affrayed," and it was on this very day that the order at p. 303 was passed for providing him with the necessary money for his expedition to the north in the King's service.—The other, and far more important death, was that of Archibald, Earl of Angus, nephew of Regent Morton, and recently made Earl of Morton himself. It happened at Smeaton, near Dalkeith, "about the end of July." For much about this Earl in his connection with Scottish affairs, see vols. ii. and iii. and the preceding portion of the present vol. by the Indexes. "Never died any nobleman with greater regrate," says Spotswood. In Presbyterian tradition he still lives as "the Good Earl of Angus," having been more thoroughly and zealously religious in the Presbyterian form than any other of the Scottish nobility of his day,—on which account, we are told, King James used to call him "The Ministers' King." He had been ill for some time of some wasting disease, and the rumour at the time, known to himself before his death, and perhaps credited by him, was that he was the victim of "sorcery and incantation." It was reported that "his bodie pynned and melted away with sweates, and in the mean tyme the witches were turning his picture in waxe before a fire." It is curious in this connection to remember that, in his exile in England, he had made the acquaintance of Sir Philip Sidney and had been esteemed by that great Englishman. Having no male heirs, he was succeeded in the Earldom of Angus by his relative Sir William Douglas of Glenbervie, and in that of Morton by Douglas of Lochleven.

Acta 1587–89. tioun of the detestable conspiracie aganis Christ and his Evangell callit the Haly League ar now sa far avanceit as the armeyis destinat to that purpois ar approcheit to the coistis of this Iland, intending to tak land in the same, and to invade the professouris of the trew and christeane religioun with all hostilitie"; and inasmuch as "the Kingis Majestie, oure Soverane Lord, considering the strait link and conjunctioun betuix the said trew and christeane religioun, presentlie professit within this realme, and his Hienes estate and standing,—having baith the selff same freindis and commoun enemeyis, subject to the lyke event of standing and decay, —hes authorized and allowed the lait Band and Obligatioun, sworne, promissed and subscryved be his Esteatis, for taking of a trew, aufauld and plane parte with his Majestie and amangis thameselffis for diverting of the appeirand dangear" (*ante*, p. 278, footnote): so now "his Majestie, moved be the present appeirand dangearis, dalie growand greitare and approcheand neirare, hes thocht convenient, be avise of his Prevey Counsall, that all the subjectis sall with all celeritie and speid possible be putt in armes, musterit in wapponshawingis, and be appointed and directed with quhat speciall personis to convene and to quhome to obey in his Majesteis service, for resisting and repressing of all foreyne invasioun or domesticque seditioun and rebellioun, and that baillis salbe brynt and watcheis kepit at all placeis and occasionis requisite, quhairby all his lieges may be the bettir and mair suddanlie advertist quhair and in quhat maner to repair and address thameselffis for withstanding of the perrell that may occur." Accordingly, it is ordered "that the noblemen and utheris heireftir specifeit, electit to be his Hienes cheiff commissionaris in execu-

Page 78. tioun of this [his] Hienes charge and directioun, with sic avise and counsall as his Majestie be his letters hes willit thame to use, tak speciall cair and attendance upoun the keping and watcheing of the sey poirtis within the boundis limitat to every ane of thame, and, quhair the cuntrey or shyre lyis of the sey coist, to repair to the nixt placeis of appeirand dangearis, as thai salbe advertissit be the birning of baillis, or be cryis or missive letters of the uthiris commissionaris, with quhome thai sall treulie concur and assist at thair uttermost, nochtwithstanding quhatsomevir auld feid or new,—quhilkis thay have assured be the said band and obligatioun." The commissioners and their assigned bounds are as follows:—George, Earl of Huntley, within the shires of Cromartie, Narne, Elgin, Fores, Banff, Abirdene, and Invernes, except the part between the Water of Invernes and the Water of Spay, "baith hieland and lawland," of which James, Earl of Murray, is nominated commissioner; George, Earl Marshaell, in Kincardin, between the Water of Dee and the North Water; David, Earl of Craufurde, in the north part of Angus and on the sea coast between the mouths of the North Water and the Water of Lownane; Thomas, Master of Glammis, treasurer, in the remaining parts of Gowry, Angus, and Stormont, be east Tay and Ilay; Johnne, Earl of Athoill, in the rest of Perth, Strath-arne and Menteith; Andro, Earl of Rothes, in Fyffe and Kinros; Johnne, Earl of Mar, in Striviling and Clakmannane; Ludovik, Duke of Lennox,

and James Galbraith of Kilcreuch, in Dunbartane; Archibald, Earl of Ergyle, in Ergyle, Tarbert and Bute; Johnne, Lord Hammiltoun, in Lanark and Renfrew; Robert, Master of Eglintoun, in Cunynghame; Hew Campbell of Terrinyeane, in Air and Kyle Regis; Johnne Wallace of Cragy, in Kyle Stewart; Thomas, Master of Cassillis, in Carrik; Alexander Stewart of Garleis, in Wigtoun; Sir Johnne Gordoun of Lochinvar, in Kirkcudbrycht; the Warden of the West March, in Drumfreis and Annanderdale; Williame, Lord Yay of Yester, in Peblis; Walter Scott of Branxholme, in Selkirk; Williame Ker of Cesfurde, warden of the Middle March, in Roxburgh; Alexander, Lord Hume, warden of the East March, in Beruick. The shires of Edinburgh principal and within the constabulary of Hadingtoun, Lynlythgu and Lauderdale, not provided for in the foregoing enumeration, are "to attend and await upoun his Hienes selff, and as he sall direct and command"; and Francis, Earl Bothuill, Great Admiral of Scotland, is to "attend upoun his awne charge of admirallitie, takand cair and gevand directioun in all thingis necessair belangand thairto." The said commissioners and their deputes are "to caus baillis be brynt and watcheis kepit at all placeis and occasionis requisite," *e.g.*, at Sanct Ebbis Heid, the Windie Edge, Hume Castle, Eldounhills, Egrop, Soutra, Dunpenderlaw, North Beruik Law, castles of Edinburgh and Striviling, Largo Law, the Bynhill above the Brynt Iland, the Lowmonds, Seidlaw Hill, Garvok Hills, "and generallie on all utheris hillis and placeis quahir baillis had wount to be brynt or watcheis kepit in tymes of weir or troublis." They are "to caus proclame and mak wapponshawingis of all sherefdomes besouth the Month upoun the xx day of August instant, and of all sherefdomes benorth the Month upoun the last day of the same moneth of August, and to reporte the names and nowmer of the personis presenting thameselffis in the saidis wapponshawingis, and how thay ar armed, to our Soverane Lord and his Counsall, within sax dayis nixt thaireftir." They are to charge all the lieges to be at the said wapponshawings, "weill and sufficientlie armed with speiris or hagbutis," under the pains contained in the Acts of Parliament, and are empowered also to charge all the fencibles within their bounds to "ryse, concur, convene and pas fordwart" as need may be, "undir the pane of tinsall of lyffe, landis and guidis." The lieges are also commanded not to molest or invade one another "for auld feid or new," but, if necessary, "to giff and tak speciall assuirance, ilkane to uthir," so that there shall be "na stay nor hinder in the Kingis service," under pain "to be repute and haldin as enemeyis to God and his trew religioun, and assistaris to the adversaris thairof and of thair native king and cuntrey." Publication of the premisses is to be made by proclamation at the market crosses of the head burghs, and the Commissioners are charged to accept the said commission, returning "thair answer towardis the acceptatioun thairof in write to his Hienes with the officiar executour of the saidis letters."[1]

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[1] This day, August 1, or Lammas day, 1588, was the very crisis of the alarm in Edinburgh, and throughout the Scottish Lowlands, on account of the Spanish Armada. That huge

Acta 1587–89.

Act in favour of the burgh of Ayr, in consideration of a special service done by the provost, bailies, and council of that burgh, during the King's recent expedition to the West March.

Not only have the provost, bailies, council and community of the burgh of Air paid their part of the contribution by the Burghs "for conductioun of men of weir to awaitt upoun his Hienes service in pacefeing and ordouring of the West Bordouris of his Hienes realme foiranent England in the moneth of Junii last bipast," but they have done a special service besides. For divers "urgent and maist necessar" reasons, in the course of that enterprise, his Majesty "causit charge the saidis provost, bailies, counsall and communitie of the said burgh of Air, all excuissis sett apairt, to rig furth and sett to the sey with all speid the best ship that maist commodiouslie and reddilie mycht be fundin within the heavin or raid of Air or boundis adjacent, and to putt in the same sic nowmer of men and quantitie of victuall as umquhile his Hienes trustie servitour, Schir Williame Stewart of Carstairis, knycht, suld desire in that wechtie charge quhairin he wes be his Hienes employed"; and, in obedience to this charge, "the saidis provest, baillies, counsall and communitie, with all diligence and celeritie, riggit furth and sett to the sey upoun thair awne expenssis, in the said moneth of Junii last wes, ane sufficient weirlyke ship, furnist with a sufficient nowmer of men, viveris, munitioun, pulder,

fleet, which had taken refuge off Calais on the 27th of July (*ante*, p. 298, footnote), had been dislodged thence in confusion on the 28th by the fire-ships sent into the midst of it by the English Admiral, and, after having been driven about hither and thither, had begun to gather itself together again on the coast of Zealand. Assailed there by the English commanders, baulked of the expected help from the Duke of Parma, and unable to return westward into the English Straits, nothing was left for it but the desperate course of a voyage northwards through the North Sea, so as to get back to Spain round the Orkneys. This resolution had been adopted by the Spanish admiral on the 31st of July; and, actually, at the date of the present order of the Scottish Privy Council, the Armada, or the greater portion of it, was on this voyage north along the east coast of England, with the English admiral in pursuit. It is difficult to suppose that the perfect news of what had happened could have reached Edinburgh so soon; but the wording of the order shows that it had by this time been substantially concluded somehow that Scotland might expect a visit of the Armada, and might bear the first brunt of the intended landing of the Spaniards. Hence the activity of the Privy Council on August 1. In fact, though the present order purports to be a Privy Council order only, it must have emanated from that Convention of Estates which had been about the King on the 27th of July (*ante*, p. 298, footnote), and which, as the wording of one intermediate document proves (*ante*, p. 300), had remained about him since. Spotswood, at all events (pp. 369, 370), not only speaks of a meeting of the Estates "in the beginning of August," but gives an account of that very consultation there out of which the present order grew. He gives an abstract of the King's speech to the Estates on the subject of the arrival of the Armada, in which his Majesty declared that, whatever wrong Elizabeth had done him by her proceedings against his mother, he could not and dared not at that moment, consistently with his sense of the danger to the religion and independence of Scotland from the Spanish enterprise, dissociate himself from England or give countenance to Spain. Chancellor Maitland, Spotswood adds, seconded this speech of his Majesty, specifying more particularly that, as Queen Elizabeth had made no demand of aid from Scotland, the proper policy for Scotland would be that of self-defence, and recommending musters for that purpose, the appointment of a chain of watches and signal-lights along the shores to give warning of the Spanish fleet if it came in sight, and the stay of his Majesty and the Council in Edinburgh to receive intelligence and direct all. This advice, says Spotswood, was "applauded of all" with the exception of Bothwell, who "was earnest to have the occasion embraced of invading England," and had to be pacified by instructions from the King to suppress his own opinion and co-operate in the defence as well as he could in his capacity of Lord High Admiral.

bullattis and all uthiris necessaris, undir the charge and command of the said Schir Williame Stewart, quha, within few dayis thaireftir, tuke, apprehendit and brocht to his Hienes the personis for quhome the foirsaid ship wes thocht necessair to be sett furth" (see *ante*, p. 292, footnote, and p. 306, footnote). In the performance of this duty the said magistrates "not onlie manifested thair gudwillis and affectionat myndis, bot als upoun the suddantie of the said charge wer compellit to furneis and deburse the sowme of ane thowsand pundis of thair awne geir in rigging furth of the said ship." On this account, his Majesty, with advice of his Council, "hes ratifeit and approved, and be this present act ratifeis and approvis, all thingis done be the saidis provest, baillies, counsall and communitie thairanent, as acceptable service," and is willing, "besyde his Hienes rememberance to be bestowit upoun thame thairfoir as occasioun may be offerit," to see them paid back the £1000 they have disbursed in his service. He therefore, with advice of his Council, "declairis and ordanis" that the said £1000 "salbe allowed, refoundit and defeased to the saidis provest, baillies, counsall and communitie, of the first and reddiest of thair pairtis *pro rata* of the taxation or taxationis that salbe imposit upoun the haill burrowis of this realme," and this "by and attour the sowme of ane thowsand markis advanceit be thame to his Hienes in the moneth of October last bipast," for satisfaction of which there is, "be the same moyane," provision made by a former Act of Council, of date 20th October last (*ante*, p. 222). Further, "in cais the burrowis of his Hienes realme sal happin to be burdynnit or preissed with the advanceing and lenning to his Majestie of ony sowmes of silver at ony tyme heireftir," then "his Hienes avowis and expreslie declairis that the said burgh off Air sall nather be subject to contribute thairanent, nor advance or len na further sowmes," till their 1000 merks and £1000 are repaid them as aforesaid; and to this effect his Majesty's pleasure is "that all letters and chargeis that sal happin heireftir to be direct for paiment of ony taxatioun or for collecting of ony sowmes to be avanceit or lent be the burrowis of this realme or ony of thame, giff ony happynnis to be grantit, sall contene ane speciall provisioun and defalcatioun to the provost, baillies, counsall and communitie of the said burgh of Air, of thair pairtis of the same *pro rata*," and a special charge to all collectors, messengers, and other officers, "to desist and ceis fra all craving, ressaving and executing of ony letters aganis the magistratis of the said burgh of Air, or ony the inhabitantis thairof, for ony parte of the taxationis or sowmes of silver that sal happin to be imposit upoun the haill or ony parte of the burrowis of this realme, or avanceit or lent be thame," until the aforesaid condition shall have been fulfilled. The Lords of Council and Session are to grant to the said provost, bailies, council and community suspension of all letters that may be granted in prejudice of this order.

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Edinburgh, 2nd Aug.

Caution by Johnne Frasar of Crechie for Johnne Frasar of Baklaw, Patrik Leith, and Williame Leslie, son of the Lady Ratie, in £100 each, that

Acta 1587–89. Jonnett Christesoun, relict of Thomas Jak in Croskie, her tenants and servants, shall be harmless of the said persons. Caution for John Fraser and others.

Page 81. Caution by Thomas Frasar of Knokky for Marjorie Frasar, Lady Ratie, in £500, and for Johnne Frasar of Crechie, and Alexander Frasar, his son, in 500 merks "ather of thame," that they will not harm the said Jonnett Chrystesoun in Corskie. Caution for Lady Ratie and others.

Caution to the same effect in £500 by Williame Suthirland of Duffus for Alexander Murray of Cowbairdy. Edinburgh, 3rd Aug. Caution for Murray of Cowbardie.

Caution to the same purpose by Mr George Abirnethy of Nethirdale, as principal, and George, Lord Saltoun, as surety for him and for Williame Abirnethy in Culvy, James Abirnethy, his brother, and James Abirnethy in Craigheid, in 500 merks each, and for Williame, Alexander, and Johnne Abirnethys, James Abirnethy, bailie to the said Lord, Williame Reidfurde in Culvy, and Williame Innes, in £100 each; and in £100 by Sir Walter Ogilvy of Findlettir for Thomas Turnour in Dullachie. Edinburgh, 5th Aug. Caution for Mr George Abernethy and others. Caution for Thomas Turner.

Caution in 1000 merks by Johnne Seytoun of Pitadie for Williame Blacader of Halterss (Haltes), that Thomas Russell in Cokles, his tenants and servants, shall be harmless of the said Williame. Edinburgh, 6th Aug.[1] Caution for Blackader of Halters.

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Sederunt—Cancellarius; Episcopus Orcadensis; Pluscarden; Culrois; Computorum Rotulator; Clericus Registri; Coldenknowis; Murdocairny. Edinburgh, 7th Aug.

Complaint by Williame Wallace in Litle Cesnok, as follows:—He was lately charged, as he is informed, by open proclamation, in virtue of general letters, at the market cross of Air, "to compeir in the tolbuith thairof upoun the last day of Maii last bipast, for electing and chesing of twa commissionaris within the sherefdome of Air to be direct to Parliamentis and generall counsallis, and to nominat ane collectour for ingaddering of the first termes payment of the taxatioun of fourty thowsand pundis grantit be the small barronis and freehaldaris of this realme for Suspension of horning against William Wallace in Little Cesnock, rated in the tax upon the Lesser Barons.

[1] On this day another General Assembly of the Kirk met in Edinburgh. No certain news of the course or the destination of the Spanish Armada had yet been received, and the alarm on that subject had grown since the issue of the proclamations for watches and musters ordered by the Privy Council six days before (*ante*, p. 306). Edinburgh was crowded; and the Assembly immediately appointed a fast to continue for a whole week on account of the imminent danger from the "Spaniards and Barbars." The account of that week in Edinburgh by James Melville in his Autobiography (p. 261) is very graphic. "Terrible was the feir," he says, "persing war the pretchings, ernest, zealus, and fervent war the prayers, sounding war the siches and sobbes, and abounding was the teares, at that Fast and Generall Assemblie keepit at Edinbruche, when the newes war crediblie tauld, sum tymes of thair landing at Dumbar, sum tymes at St Androis and in Tay, and now and then at Aberdein and Cromertie first. And, in verie deid, as we knew certeanlie soone efter, the Lord of Armies, wha rydes upon the wings of the winds, the keipar of his awin Israell, was in the mean tyme convoying that monstruus navie about our costes, and directing thair hulkes and galiates to the ylands, rokkes, and sandes, wharupon he haid destinat thair wrak and destruction.

their vote in Parliament"; and "for his allegeit noncomperance he is denunceit rebell and putt to the horne." Further, "James Cunynghame of Inchegottrik, collectour allegeit nominat and chosin for ingaddering of the said taxt, hes lykwayes causit charge the said complenare, be the saidis generall letters, be oppin proclamatioun as said is, without forder chargeis or lauchfull intimatioun as aucht to have bene, to mak payment of the sowme of fyve merkis as for the taxt of the fyve merkland of Litle Cesnok possest be him, within a certane space eftir the charge, undir the pane of rebellioun." Now, "the same letters and act quhairupoun thay procedit ar extendit onlie to small barronis and freehaldaris and to nane of the said complenaris rank nor degree, he being onlie takkisman of the said fyve merkland to Williame Douglas of Lochlevin, heretour thairof, quha be ressoun thairof aucht to have bene chargeit to have convenit to the said electioun." Moreover, "gevand the said complenare had bene ane freehaldare, as he is nocht, yit, in respect that the dyet appointit for the said electioun, quhilk wes the last day of Maii last bipast, desertit be his Majesteis proclamatioun, raid and armey, quhilk convenit at the burgh of Drumfreis the xxix day preceding, quhairat the said complenare wes present, and that na conventioun of the saidis barronis nor lauchfull executioun hes bene maid be thame sensyne," in these circumstances all further execution of the said letters "suld have ceissit aganis the said complenare and all utheris in the meantyme, and promeis maid to this same effect be Johnne Wallace of Cragy, to quhais charge and directioun the executioun of the saidis letters wes committit, suld have bene kepit,—quhilk he hes not done, bot of verie malice hes causit trouble the said complenare in maner foirsaid." Although, for the reasons given, it is not the complainer, but Sir William Douglas of Lochleven, that ought to be burdened with the tax on the said lands, if any is due, yet, "for obedience of the command of the saidis letters," he has consigned the said sum of five merks in the hand of the Clerk of Council, for delivery to the collectors if the Council shall hold him "onywayes subject to the payment of the same"; in respect whereof he submits that the letters and horning against him ought to be suspended *simpliciter*.—Johnne Wallace and James Cunynghame not appearing to answer, though they had been summoned, and the complainer appearing by Charlis Campbell of Horscleuch, his procurator, the Lords grant the suspension.

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Suspension of horning against George Campbell of Cesnock and others prosecuted for their shares of the tax on the Lesser Barons.

Similar complaint by the following persons, who represent that they had been charged by general proclamation at the market cross of Air, at the instance of Johnne Wallace, bailie of Kyle-Stewart, to elect two commissioners to Parliament for the shire of Air, and also to pay within a certain time, under pain of rebellion, the sums after specified, as their shares of the first term's payment of the late tax granted by the small barons for their vote in Parliament: viz., George Campbell of Cesnok, to pay £42 for his 40 poundland of Cesnok and 40 shillingland of Tourmanis and Tourbyre; Johnne Ross of Haning, £20 for the 20 poundland of Haning; George Lokhart of Bar, £37 for his 37 poundland of

Acta 1587-89. Bar; and Andro Shaw of Sornebeg, £13 for his 8 poundland of Sornebeg and 5 pound land of Halie. For their "allegeit dissobedience" Wallace has used execution of horning against them; and they argue that this is unjust. They and other barons and freeholders of Kyle-Stewart and Airshire had convened (as required by the letters passed upon the general act for uplifting the tax) in the tolbooth of Air, in presence of the said Johnne Wallace, upon 26th March last. The said electors, however, having been charged to meet "at twa severall dayis," it had been then agreed to postpone the date of election till 22nd April last, so that they might "with ane uniformitie of mynd" proceed to the said election. The complainers and others had accordingly met on that day; when, "becaus the baillies of Carrik and Cunynghame, with a certane of the barronis and freehaldaris of the haill sherefdome, wer absent," there had been, "be commoun consent of all these that convenit, cheiflie of the Schireff of Air and Laird of Cragy," a second continuation of the election till 31st May last, the said bailie promising that in the meantime "all forder executioun of the said letters suld ceis." When that day came, however, and for several days after it, the complainers, as required by the King's proclamation, "wer attending upoun his Hienes service at Drumfreis," and it had
Page 84. been while they were so engaged that "the said Johnne Wallace, as the saidis complenaris ar informed, procedit to the said electioun, usit executioun of horning aganis thame for thair not-comperance, and nominat ane collectour for ingaddering of the said taxt, na pouer being grantit be the saidis complenaris in quhais persone the said electioun wes establissed." After returning from his Majesty's said service "thay causit require Adam Turbat, messinger, executour of the saidis letters, in presence of ane notar and witnessis, to assigne ane new day to the said electioun, at quhilk day thay promist to do and performe all thingis as become thame; quhilk the said Adam refused to do, as instrumentis tane thairupoun proportis." Altogether, therefore, the procedure against them is malicious and ought to be suspended, though, to show their obedience, they have consigned the sums abovewritten in the hands of the Clerk of Council.—Johnne Wallace, James Cunynghame, Adam Turbat, and Michaell Wallace, clerk of the said bailiary, having been charged to answer this day, but not appearing, while the complainers appear by Charlis Campbell of Horscleuch, their procurator, the Lords do suspend said letters and process.

Caution for Graham of Knockdolean

Caution in 1000 merks by Johnne Grahame of Knokdoleane, as principal, and Andro Moncur of that Ilk, as surety, that Mistress Elizabeth Semple, relict of Robert Grahame of Knokdoleane, Robert Grahame, her son and apparent heir, and Archibald Mathie, her servant, shall be harmless of the said Johnne.

Caution for John Dickson.

Caution in 500 merks by Johnne Arnot, provost of Edinburgh, for Johnne Diksoun in Hadingtoun, that Adam Carkettle, his tenants and servants, shall be harmless of the said Diksoun.

Caution for John Smeaton.

Page 85. Caution in 300 merks by James Maistertoun, burgess of Edinburgh, for Johnne Smetoun in Turnourishill, that he will not harm Robert Halkett,

now of Pitfirrane, son and apparent heir of the late George Halkett of Pitfirrane, or Elizabeth Hepburne, relict of the said George. Acta 1587-89.

Caution for Philip Moubray.

Caution to the same purpose in 1000 merks by Robert Moubray, fiar of Barnbowgall, and David Dundas of Preistisinche, for Phillip Mowbray, eldest son of James Moubray of Pitluver.

Caution for William Meiklejohn and others.

Caution by Alexander Drummond of Medop for Williame Mekiljohnne in Dunfermeling, Adam Andirsoun, "litstar" there, Robert Kirk and Thomas Duncan there, in 400 merks each, that Abraham Walwode in Wester Badrig, Thomas Wallatt in Dunfermeling, and Johnne Bankis, shall be harmless of them,—Robert Bruce of Badrig becoming cautioner in relief.

Edinburgh, 8th Aug. Caution for M^c^Alexander of Dalreoch and others.

Caution by Fergus M^c^Alexander of Dalreoch, as principal, in £1000, and Johnne Grahame of Kokdoleane, as surety for him, and for Johnne M^c^Alexander, James M^c^Alexander, Williame Davidsoun, and Rowie and Patrik Davidsons, his sons, in 300 merks each, that Allane Cathcart, brother of Johnne Cathcart of Carltoun, his tenants and servants, shall be harmless of them.

Edinburgh, 9th Aug. Caution for Maxwell of Spotts.

Caution in £1000 by Johnne Maxwell of Conheth for Sir Robert Maxwell of Spottis, that he will not harm Harbart Maxwell in Kirktoun of Kirkmaho.

Edinburgh, 10th Aug. Further order for armed musters to oppose the threatened Spanish invasion.

In pursuance of the preparations ordered for defence of the realm against threatened invasion, it is ordered that all earls, lords, barons, freeholders, landed men, feuars and substantious yeomen, together with the inhabitants of burghs, within the shires of Striviling, Clakmannane, Lynlythqu, Edinburgh, Hadingtoun, Beruik and Roxburgh, be charged by proclamation at the head burghs of the same to meet his Majesty at Edinburgh upon the 19th of this month, "weill bodin in feir of weir, with speiris and lang hacquebutis, and with threttie dayis provisioun," ready for muster the morning following, upon the Leith Links or elsewhere, in presence of "the speciall personis of experience and credite" appointed to receive them; "to quhome his Hienes ordanis and commandis the names of all personis musterit to be deliverit, to the effect thai may be commandit and directit how and in quhat maner to watche and warde, and may be reddy to answer as thai ar callit upoun, and swa to attend and obey as thai salbe commandit and directed during the space of thretty dayis, undir the pane of tinsale of lyffe, landis and guidis." Farther, the King, with advice of his Council, discharges "all maner of licenceis or exemptionis grantit to remane fra oistis, raidis, armeyis and wappon-shawingis in tymes bigane," and declares that no such licences shall be granted for months after this date, "except the same be first consideritt, fund ressonable, and subscryvit eftir his Majestie be three of the sevin personis nominat and appointit be his Majestie to tak cair and giff advise and directioun in the effearis of this present weir (his Hienes thesaurair being alwayes ane of the nowmer),—to quhome his Majestie Page 86.

Acta 1587–89. gevis alswa command and pouer to cognosce and declair be thair testimoniall quhethir the sones or servandis of the personis allegeit to be ageit and unable salbe admittit to supplee the absence of thair faderis or maisteris or nocht."

Caution for Andrew Wilson.

Page 87. Caution in £100 by Thomas Kirkpatrik of Closburne for Andro Wilsoun, younger, in Gargland, that he shall answer before the Justice when required upon 15 days' warning "for the allegeit mutilatioun of Johnne Hair in Glenquhirry."

Edinburgh, 15th Aug. Caution for Lady Ross.

Caution in 1000 merks by Hary Stewart of Cragyhall for Dame Jeane Semple, Lady Ros, that Olipheir Sinclair in Renfrew, his wife, bairns, tenants and servants, shall be harmless of her and hers.

Macdougall of Dunolly's relief of his cautioners.

Registration, by Mr Olipheir Colt, advocate, as procurator for Duncane M^{c}kdougall, fiar of Dunnoldycht, of a band executed at the Gillinge, 5th August, and witnessed by Neill M^{c}Conquey Wreik, Johnne Ballychyne, Soir M^{c}Dune V^{c}Coirll, and Allane M^{c}Conquey Yame, whereby the said Duncane becomes bound to relieve and keep skaitless Alexander, Bishop of Brechin, and Patrik Barclay of Towy, who had become sureties for him that Johnne M^{c}Ewin V^{c}Priour, his tenants, and servants, should be safe of him.

Caution for Thomas Russell.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the parties, of a band, executed at Craigmillar and Edinburgh, 14th August, containing caution in 1000 merks by David Prestoun of Craigmillar and Mr Patrik Hepburne of Smetoun for Thomas Russell in Cokles, that Williame Blacader of Halterss, his tenants and servants, shall be harmless

Page 88. of the said Russell. The obligation is witnessed by Symone Prestoun, brother of the said David Prestoun, Williame Pacok, his servant, Thomas Hutoun, Alexander Bell and Thomas Irland, servants to Mr Johnne Prestoun, advocate,—James Harvie, notary public, subscribing for Thomas Russell, "becaus I can not write."

Edinburgh, 19th Aug. Order for raising troops of light horse: Carmichael of that Ilk to have the chief command.

Page 102. In the peril arising from "the present preparatioun and approcheing of strangearis towardis this Ile for invasioun of the professouris of the trew and christeane religioun," his Majesty, with advice of his Council, has resolved "to levy sum forceis of horsmen and futemen undir wageis, for

Page 103. the bettir resisting of all foreyne invasioun or repressing of the insolence of his Hienes awne dissobedient subjectis," and has chosen as commanders of the horsemen to be so raised James Sandielandis of Slamannane, tutour of Calder, and George Douglas, apparent of Langnudry, each as "capitane of ane hundreth licht horsmen," with power to each "to rais and levy the said nowmer of licht horsmen," lead and conduct the same, appoint and dismiss "lieutennentis, cornettis, and utheris memberis of thair cumpanyes," and generally to do all things "that to the charge and office of capitanes of horsmen in the weiris is knawne to pertene." Further, "his Majestie, upoun gude prufe of the loyaltie, valyeantnes, and experience of his trusty and weilbelovitt servitour, Johnne Carmichaell of that Ilk, hes alswa not onlie maid and

constitute him capitane and commander in particulair of ane hundreth licht horsmen, bot alswa capitane-generall and commandare of the haill remanent capitanis, commandaris, and wageit licht horsemen that ar or salbe rased for his Hienes service," with all powers "belangand to the office and charge of a capitane-generall of licht horsemen within this realme or outwith the same,"—the present act to be his "sufficient warrand for passing of speciall commissionis to the effect abonewritten, undir his Hienes signet in dew forme, as effeiris."[1] Acta 1587–89.

Edinburgh, 20th Aug. Order against resetting Captain Semple, who has recently come on a pretended mission from the Prince of Parma, and has been trafficking treasonably with his Majesty's subjects.

Captain Williame Semple having "repairit laitlie within this realme, allegeand him to have commissioun frome the Prince of Parma to the Kingis Majestie, albeit he had na sic commissioun nor instrumentis," and having, "to excuis and cullour his cuming, practize and tressonable dealing," appeared, soon after his arrival, "to mak sum offeris to his Hienes of little or na effect," all the while that he "tressonablie delt with sindrie of his Majesteis subjectis for alienating of thair myndis frome his Hienes obedience, ouerthraw of the trew religioun and of his Majesteis estate and authoritie," had been "apprehendit in the actuall fact, and cheiflie in dealing and ressaving of letters frome strangearis within this realme, and for the same committit to warde within the burgh of Edinburgh." He has lately, however, "eschaiped furth thairof, and swa takin upoun him the cryme of tressoun"; and publication is therefore to be made at the market crosses of the head burghs, charging the lieges not to reset or intercommune with Captain Semple under pain of treason.[2] Page 88.

Edinburgh, 21st Aug. Caution for Alexander Crichton and others.

Caution by Thomas Angus in Hoprig for Alexander Creichtoun in Wester Saltoun, Williame Symsoun in Dryburnefurde, Johnne Purves in Eist Barnis, and Alexander Greg in Cannogait, in 300 merks each, that Charlis Watt in Gaward, his tenants and servants, shall be harmless of them.

Edinburgh, 22nd Aug. Caution for James Lawson of Humbie.

Caution in 2000 merks by Patrik Murray of Fawlahill for James Lawsoun Page 89.

[1] This order, like the previous order of the 10th August, shows how gradually the alarm of the Spanish Armada died away. It does not seem to have been till towards the end of August that it was fully known in what a disastrous ruin the Armada had ended by winds, tempests, and wrecks,—and then by slow news of Spanish ships and crews thrown ashore miserably here and there on the northern Scottish and Irish coasts, leaving no more than fifty-three vessels, under the Duke of Medina Sidonia as admiral-in-chief, to find their way back to Spain in wretched plight, and to carry mourning and amazement into all the families of that Catholic land.

[2] Captain William Semple, who had been for some time in the service of the Prince of Parma in Flanders, had arrived at Leith in the beginning of August, nominally as an envoy from the Prince to King James, but really to negotiate with the Scottish Roman Catholics in the Spanish interest. Sir John Carmichael, Captain of the King's Guard, having been charged to watch him, had cleverly apprehended him in his lodgings in Leith in the very act of unsealing letters from abroad. By the interference of the Earl of Huntly he had been released, but again, by the King's orders, on advice from Chancellor Maitland, he had been committed to ward in "Robert Gourlaye's house." By Huntly's contrivance he had escaped again the same night, and it is to this second escape that the order refers. (See Spotswood, p. 370, and Calderwood, iv. 680, 681.)

Acta 1587–89. of Humbie, that he will not harm Margaret Broun, his mother, her tenants or servants.

Caution for James Robb and John Robb.

Caution by Williame Campbell of Soutarhous, and Johnne Richardsoun, younger, burgess of Edinburgh, for James Rob, in £500, and for Johnne Rob, his son, in 500 merks, that Lawrence Drummond of Bruntihill shall be harmless of them,—Johnne Andro, Clerk of Council, subscribing for Campbell, "becaus I can not write."

Edinburgh, 26th Aug. Caution for William Walwood and others.

Caution by Williame Wallatt (Walwode), portioner of Touch, as principal, and Patrik Wallatt of Clayaikaris and AbrahamWallatt of Wester Badrig, as sureties for him, and for Johnne Wallatt, elder, portioner of Touch, Johnne Wallatt, his son, and Robert Wallatt, son of Thomas Wallatt in Dunfermling, in 300 merks each, that Robert Bruce of Badrig, his tenants and servants, shall be harmless of the said persons.

Edinburgh, 28th Aug. Caution for James Wemys.

Caution in 1000 merks by James Wemys, son of Captain David Wemys, as principal, and Henry Wardlaw of Contill, as surety for him, that James Hammiltoun, son of Dame Marione Touris, "auld lady Wemys," shall be harmless of the said Captain David.

Caution for John Stewart of Rosland.

Registration, by Johnne Haliday, advocate, as procurator for the parties, Page 90. of a band of caution in 500 merks by Johnne Stewart of Askok and Williame Forbes of Corbauchre (Carbauchrie), for Johnne Stewart, called of Roisland, that he will not harm Johnne Youngar, son of the late Johnne Youngar in Partik. The band is subscribed at Rothissay and Edinburgh, 19th and 24th August, before Johnne M^{c}Neill of Kilmorie, Finla M^{c}virrcroche of Dunavlint, Alexander Glas in Myde Askok, Johnne Andro, writer, Alexander Oiswall, and James Harvy, notary public,—the last subscribing for Forbes, who cannot write.

Edinburgh, 30th Aug.

Sederunt—Cancellarius; Craufurde; Mar; Coldenknowis; Clericus Registri; Murdocairny; Willelmus Keyth.

Act for the coining of penny pieces and two-penny pieces in silver.

The King and Council understanding that "throw the povirtie and scantines of penneyis and uther small money for the present within this realme," the poor "ar grittumelie endomageit," and that "the victuallis, sic as breid, drink, fishe and uthir pennyworthis, being sauld in small, ar sett to heichar priceis and greitare derth nor thai wald be in cais thair wer sufficient quantitie of small money," it is therefore ordered "that ane penney and twa penneyis of allayed money be maid, forgeit and imprentit and sett furth, of tuelff grane fyne, with twa granes of remeid alsweill abone as undir, fourty of the penneyis weyand ane unce and tuentie of the twa penny plackis weyand ane unce; quhairof three hundreth and tuentie penneyis wayis ane merk, with tuelff pece of remeid upoun ilk merk, and ane hundreth and lx twa penny plackis in the merk wecht, with aucht pece of remeid upoun the merk, alsweill licht as havy,—the penny haveand on the ane syde ane lyoun ramping thus , with this circumscrip-

tioun, VINCIT VERITAS, and upoun the uthir syde of the penny J. R. in a sipher crowned thus , with this circumscriptioun,—JACOBUS SEXTUS D. G. R. SCOTORUM; and the plak haveand on the ane syde the lyoun within a shield crowned thus , with the foirsaid circumscriptioun, VINCIT VERITAS, and upoun the uther syde J. R., crowned with this circumscriptioun, JACOBUS 6 D. G. R. SCOTORUM." It is directed that these coins shall have course for one penny and two-pennies, and that "onlie fourtie stane of uttir fyne silver, with the allay correspondent in this cunyie, pas throw the irnis of the cunyehous"; for which purpose licence is granted to the master cunyeor and other officers "to by and brek quhatsumevir silver or allay within this realme." Command is given to "the generall, maister cunyeour, sinkar, assayar, wardanis, and utheris officiaris of his Hienes cunyehouse," to proceed in making and outputting the said money to the said quantity, and to be "comptable for his Majesteis proffitt" therein to the Treasurer and to Sir Robert Melvill, Treasurer-depute, "the officiaris feis and dewiteis being first deduceit,"—the present Act to be a sufficient warrant to all concerned, and his Majesty promising *in verbo principis* to get the Act ratified by the Three Estates in the next Parliament or Convention. Further, the King and Council considering "the grite diversitie betuix foreyne gold, now rissin to ane exhorbitant price, and his Majesteis awne gold cunyeit within this realme, cheiflie the iii ℔. xv ʃ. peceis, remaning as yit at the same price that thay wer first gevin oute for, howbeit the same be of greitare valu, and in that respect aucht to be augmentit in price correspondent alwayes with the priceis of the said foreyne gold, quhairthrow the same may remane and not be transported as hithertillis it hes bene furth of this realme, to the grite hurte of the commoun weill," it is resolved "that all the saidis peceis of gold ellis cunyeit and to be cunyeit within this realme sal have course in tyme cuming for iiii ℔. money of this realme, and nane to be ressaved nor have passage except thai keip the just wecht with the ordinare remeid." Proclamation of the premisses is ordered at the market crosses of the head burghs, with charge to the lieges not to refuse the said coin for the prices above mentioned, under pain of treason.

Acta 1587–89.

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Edinburgh, 31st Aug. Caution for John Richardson.

Caution in 1000 merks by Johnne Richardsoun, saddler, burgess of Edinburgh, as principal, and Johnne Ormestoun, portioner of Smelhame, as surety for him, that Adam Shoir, writer, his bairns and servants, shall be harmless of the said principal,—Johnne Andro, Clerk of Council, subscribing for Richardsoun, "becaus I can not write."

Caution for Alexander Boswell.

Caution in 400 merks by Johnne Mure, skinner, burgess of Kirkaldy, for Alexander Boswall, burgess there, that Thomas Balcanquell and Williame Murisoun, burgesses of Kirkcaldy, shall be harmless of the said Boswall.

Caution for Richard Boswell.

Caution in 400 merks by Richard Colvill, burgess of Edinburgh, for Richard Boswell in Kirkalday, that he will not harm the said Balcanquell or Murisoun.

Acta 1587–89. Page 92.

Caution in £2000 by Sir Archibald Naper of Arnbillie, as principal, and Thomas Achesoun, master coiner, as surety for him, that David Prestoun of Craigmillar, his tenants and servants, shall be harmless of the said principal.

Edinburgh, 3rd Sept. Caution for Napier of Edinbellie.

Registration, by Mr David M'kgill of Nesbitt, King's advocate, in his Majesty's name, and Eustachius Rooghe, Fleming, tacksman general of the mines, of a contract, dated at Edinburgh, 30th August 1588, to the following effect:—The King, his Nobility, Council and Estates convened, "having hard and considderit the overturis maid be the said Eustachius, tending to the commoditie and proffitt of his people, and to the advancement and augmentatioun of his Hienes rentis and revenues of his croun, be his moyane and diligence," by making of better salt "with less expenssis and in greitare quantitie," resolve that whatever profit his Majesty shall receive through the "inventioun and service" of the said Eustace shall be annexed to the crown perpetually, "assignand and allowand alwayes the tent part of the said proffeitt to the said Eustachius" and his heirs, whether they be men or women. Also, his Majesty, with advice of his Council, gives full power to the said tacksman to build eight or ten furnaces of salt pans upon the bounds of Newhavin on the west side of the town of Leyth, "or sa mony fornaceis in ony uthir siclik place quhair he may big the same"; for which furnaces and salt pans "the said Eustachius sall nawayes be oblist to pay ony dewitie, bot the haill proffite and commoditie thairof sall freelie appertene to him and his airis heritablie for evir,"—his Majesty, with advice foresaid, granting the same, "with titlis of honnour correspondent to this his said service," and appointing the same "to remane with him and his posteritie": which "tent parte and free commoditie of the saidis ten fornaceis and salt pannis, quhairevir thay be biggit, and all utheris guidis, geir, gold, silver, landis, possessionis, takkis and utheris quhatsumevir purchest or to be purchest and conqueist be him, sall remane with him and his airis" heritably for ever, "unsubject to confiscatioun or foirfaltour for ony caus, crymes or offenssis," the punishment to extend only to the person of the offender.

Edinburgh, 4th Sept. New contract between his Majesty and Eustace Roche, tacksman-general of the mines.

Page 93. "For assuirance quhairof and of all and sindrie the premissis, for his Gracis parte, his Majestie, with avise of his Counsall and Esteatis, hes ordanit that the said Eustachius and his airis for evir sal have full administratioun and haill pouer of constructioun, bigging, reformeing or mending all and sindrie salt pannis within his Majesteis realme and dominionis thairof, for salt to be maid according to his ingyne and inventioun," forbidding all other persons "to follow or imitat the foirsaid inventioun of making of salt and forme of salt pannis and fornaceis," under pain of death and confiscation of all their heritage and goods, "but prejudice alwayes to ony personis to follow furth thair auld accustomat fassioun of making of salt in the auld maner of fornaceis, and be na uthir new forme nor devyse." Power is also given to Rooghe and his heirs to sell the salt "maid or reformed be his inventioun," and to appoint

officers and workmen necessary, "for quhome he salbe haldin to answer," and who shall be answerable only to him and his representatives. "And, to the effect that his Hienes nor his successouris be nawayes defraudit of the proffittis and rentis pertening to thame, thair salbe ane double compt buik hadin, quhairof the oversearis to be appointit be his Majestie sal have the keping of ane of thir buikis, and the said Eustachius, his airis and thair deputis, the uthir buik; and, all comptis and rekningis being aggreit and fuited, the said Eustachius and his foirsaidis sall mak payment to his Gracis thesaurair for the tyme of his Majesteis commoditie;" provided that all the expenses incurred by Eustachius "for bigging, reforemeing, uphalding and mending of the saidis salt pannis and fornaceis thairof at ony tyme, togethir with the feis and dewiteis of his servandis and officiaris awaiting thairupoun, be allowit and deduceit of the first and reddiest proffeittis appertening to his Majestie." Farther, when the King "hes knawne ane sufficient pruffe of the said werk and inventioun," he promises *in verbo regis* to grant to Eustachius and his heirs "ane new tak of all and haill the mynes and minerallis within his Majesteis realme and dominionis thairof for the space of xxi yeiris, als amplie as he sall devyse for his securitie,—begynnand immediatlie eftir his Hienes have knawne the said pruffe to be gevin,—for the yeirlie payment of the tent parte of all gold, silver, copper, tyn, leid or ony utheris metallis or minerallis," notwithstanding any clauses or articles contained in the first tack already granted to Rooghe and his partners during the King's minority. "And in the meantyme his Majestie promittis to mak nor grant na tak to ony personis of quhatsoevir mynrallis within this realme or ony portioun thairof, inhibiting alswa all and quhatsumevir personis that thai nawise presume nor tak upoun hand to work or caus be wrocht ony of the saidis mynis and mynrallis without the said Eustachius licence and consent obtenit thairto, undir the pane of escheiting of the saidis haill metallis and mynrallis, to be imployed and appertene to the said Eustachius awne proffite and commoditie, as giff the same had bene won be himselff, with full pouer to him and utheris in his name, be vertew of thir presentis, to tak, apprehend, intromett with, and dispone upoun the same mettallis and mynerallis to be won as said is by his consent, without impediment, contradictioun, or forder declaratour and proces in law." Farther, his Majesty promises to ratify this contract in the next Parliament, with advice of the Three Estates, and both parties consent to the registration of the same in the Books of Secret Council. "Sic subscribitur: James R. M., Cancellarius. Craufurde. Mar. Coldenknowis. Lynclowden. Sir Robert Melvill. A., Clericus Registri. Sir W. Keith. Mr David M^c^kgill. Roogghe."

Acta 1587–89.

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Caution for John Stewart in Cassoquhy.

Caution in £100 by Robert Stewart of Cuilbeg for Johnne Stewart in Cassoquhy, that he shall answer before the Council on 15th October next to a complaint made against him by Mr James Hering, provost of Methven (see *ante*, p. 305).

Acta 1587–89. Registration, by Johnne Haliday, advocate, as procurator, of a band executed at the Sorne upon 7th August in presence of Charlis Tait, Walter Speir, Johnne Campbell of Quhythauch, and James Campbell, his brother, whereby Hew Campbell of Terrinyeane grants caution in £500 for Thomas Tait of Adamehill, that he will not harm Williame Wallace of Brighous, his tenants or servants. Edinburgh, 7th Sept. Caution for Thomas Tait of Adamhill.

Registration, by Alexander King, advocate, as procurator, of a band executed at Abirdene and Crathes upon the 3rd and 4th September, and witnessed by Thomas King, burgess of Abirdene, Williame Lyoun, apparent of Commalegie, Alexander King, advocate, and James Fraser, his servitor, notary public, by which Alexander Burnatt of Leyis becomes cautioner for Mr Gilbert Keith in Auchosk, Mawnis (Magnus) Keyth in Phinnersie, Johnne Keyth there, Johnne Forbes of Mylnbowie, James Forbes, his son, Mawnis Richie in Auchrynnie, James Keith in Garlewgie, Johnne Keyth in Kynneller, Mr Robert Chalmer, burgess of Abirdene, Alexander and Johnne Chalmeris, his sons, and Patrik Abircroumby, burgess of Abirdene, in £200 each, that Jonnett Buchane, her tenants and servants, shall be harmless of the said persons,—the said Mr Gilbert, Magnus and Andro Keithis, becoming cautioners in relief. Caution for Mr Gilbert Keith and others.

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Caution in 400 merks by Thomas Balcanquell, as principal, and Patrik Robertsoun, baxter, burgess of Edinburgh, and James Murisoun in Kirkcaldy, as sureties, that Alexander and Richard Boswallis, burgesses of Kirkcaldy, and their dependents, shall be harmless of the said Thomas. Edinburgh, 9th Sept. Caution for Thomas Balcanquel.

Caution in 500 merks by James Baillie of Carfin, younger, for Robert Watsoun in Carnweth, that Johnne Drummond, "ane of the ishearis of his Majesteis chalmer" (see *ante*, p. 199, footnote), his tenants and servants, shall be harmless of the said Robert. Edinburgh, 11th Sept. Caution for Robert Watson

Sederunt—Cancellarius; Mar; Thesaurarius; Coldenknowis; Clericus Justiciarie; Clericus Registri; Linclowden; Murdocairny; Willelmus Keith. Edinburgh, 12th Sept.

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Johnne Drummond, "ane of the ishearis" of the King's chamber (see *ante*, p. 199, footnote), complains that in June last Barnard Lindsay in the Grange, brother of the Laird of Covintoun, had come to his lands of Slipperfeild, "bosted and minassed his tennentis and servandis, and oppinlie avowit to have thair lyveis giff he fand thame thaireftir." Later, upon 29th August last, Barnard, accompanied by Rolland Lindsay and Robert Watsoun in Carnweth, came a second time to his said lands, where his masons and quarriers were at work, "and minassed the saidis masonis and quareouris, and causit thame, for feir of thair lyveis, leave thair labouris, threatning thame and the tennentis and occupiaris of the saidis landis with death, in cais thai wer found upoun the saidis landis thaireftir." Barnard and Rolland, failing to appear, while Drummond appears personally, are to be denounced rebels. To denounce Barnard Lindsay and Rowland Lindsay for not appearing to answer a charge against them by John Drummond.

Edinburgh, 13th Sept.

Sederunt—REX; Cancellarius; Craufurde; Mar; Thesaurarius; Coldenknowis; Clericus Justiciarie; Clericus Registri; Linclowden; Murdocairny. Acta 1587–89.

Carmichael of that Ilk appointed warden of the West March.

His Majesty, "undirstanding the gude affectioun of his lovitt servitour, Johnne Carmichaell of that Ilk, to do his Hienes service, and the said Johnis lang experience to administrat the office of wardanrie and justiciarie of the West Marche," which is much troubled at present, accordingly nominates the said Johnne Carmichaell to be warden and justice of the said West March, with full power of holding justice courts, appointing "dayis of trew," charging the inhabitants of the wardenry to assist him in punishing transgressors, summoning assizes, "ilk persoun undir the pane of ten pundis," uplifting unlaws and escheats, &c., and with power also to crave the aid of the burghs and lieges within the bounds of Roxburgh, Selkirk, and Peblis and Over Ward of Cliddisdale, in execution of his commission,—persons disobeying to incur the like pain as if the charge were made by the King himself. All other commissions of wardenry within the said bounds are discharged. The said warden and his depute are also empowered to exercise the office of the stewartry of Annanderdale belonging heritably to Johnne, Lord Maxwell, "now captive and in handis, as suspect and dilait of divers tressonabill crymes committit be him, during his Hienes will, and ay and quhill ordour be tane with the said Lord" (see *ante*, p. 292). Publication hereof is ordered at all places needful. Page 104.

Act for coining a new gold piece.

The King and Council considering "to quhat heich priceis all forayne cunyeis of gold ar rased within this realme, and that not onlie the same bot alswa his Hienes awne cunyie ar dalie transportit furth of this realme to the grite hurte of the commounweill,—quhairthrow it is convenient that his Majesteis cunyie of gold salbe equivalent in price and valu to the gold current in the realmis nixt adjacent,"—it is therefore ordered "that ane new penny of gold salbe strikin, of the wecht and fynnes of Inglis rois noble, that is to say, weyand ane quarter of an unce Pareis wecht, with half peceis equivalent, with ane grane of remeid, alsweill havy as licht, upoun ilk pece, and off the fynnes of tuentie three carrett sevin granes, with twa granes of remeid, alsweill undir as abone, the haill pece to have course and passage for sevin pund, sax schillingis, aucht penneyis, and the half pece, three pund xiii s. iiii d., haveand on the ane syde twa scepteris crossit, ane thirssill, foure lyounis crownit, and foure crownis, with this circumscriptioun: FLORENT SCEPTRA PIIS: REGNA HIS JOVA DAT NUMERATQUE; and on the uthir syde ane schip with his Majesteis armes, and undir the same ane thirssill, with this circumscriptioun: JACOBUS 6 D. G. REX SCOTORUM." Accordingly, the officers of the mint are charged to proceed in making and outputting the said gold coin, accounting for the King's profit to the treasurer and treasurer-depute, with deduction of the officers' fees and dues. Proclamation hereof is ordered, with charge to the lieges to accept the said coin at the price foresaid, under pain of treason. Page 96. Page 97.

Acta 1587–89.

Band of caution for Hob Elliot.

Registration of an obligation dated at Newbottle 15th September, and witnessed by Mark, Commendator of Neubottle, James M^{c}Dowell of M^{c}cairstoun, Sir Williame Stewart of Caverstoun, and Mr Johnne Nicolsoun, one of the commissaries of Edinburgh, whereby Sir James Hume of Coldenknowis, captain of Edinburgh Castle, and Nicoll Carnecros of Calfhill, become sureties for Hob Ellott, brother to Johnne Ellott of Copshaw, now in ward in Edinburgh tolbooth, that, on his being released, they shall enter him again in the said tolbooth when required, on 15 days' warning, under a penalty of £2000 "and payment of all attemptatis committit aganis England be the said Hob and sic as he lyis plege for."

Edinburgh, 16th Sept. Caution for James and George Craw.

Caution by James Sydserff, burgess of Edinburgh, for James Craw of Gunnisgrene in £500, and for George Craw (Auchincraw) in Nethirbyris in 300 merks, that Williame Broun in Aymouth, his bairns, tenants and servants, shall be harmless of them.

Caution for William Murrison in Kirkcaldy.

Caution in 400 merks by John Quhippo in Leith for Williame Murisoun in Kirkcaldy, that he will not harm Alexander and Richard Boswallis, burgesses of Kirkcaldy,—Robert Lowrestoun, burgess of Edinburgh, becoming cautioner in relief.

Page 98.

Edinburgh, 18th Sept. Caution for James Brown in the Horne.

Registration, by Mr John Prestoun, advocate, as procurator for the parties, of a band executed at Northrig, 17th September, in presence of Mr Robert Hepburne, parson of Hauch, James Hepburne in Manshill, Mr Johnne Ker, "Scule Mr" in Hadingtoun, and Alexander Simpsoun, public notary, by which Thomas Seytoun of Northrig becomes surety for James Broun in the Horne, that Agnes Seytoun, liferentrix of the half lands of Nethir Collane, and James Kinros, her spouse, their tenants and servants, shall be harmless of the said Broun, under a penalty of 500 merks.

Edinburgh, 20th Sept. Caution for Home of Broomhouse and his sons.

Caution by Patrik Hume of Rentoun for Phardinando Hume of Brumehous in £1000, by George Hume of Cramycruke for Patrik Hume of Brumehous in 500 merks, and by the said Phardinando for Archibald, George, Andro, and James Humes, his sons, in 500 merks each, that Dame Jeane Lyoun, Countess of Angus, her tenants and servants, shall be harmless of the said Phardinando and his sons.

Caution for George Banerman of Elsick.

Registration, by Mr James Donaldsoun, advocate, as procurator for the partes, of a band by which Alexander Gordoun, apparent of Abiryeldy, becomes surety in £1000 for George Banerman of Elsik (Wattertoun),

Page 99.

that James Harvy, Thomas Harvy in Muchquhallis, and Williame Harvy, sons of Mr Andro Harvy in Blairis, shall be harmless of the said Banerman. The parties subscribe the band at Abirdene, 13th September, before Mr Patrik Cheyne, Mr Gilbert Ros, "advocattis in Abirdene," Mr George Abircrumby, writer to "our Soverane Lordis signet," James Ogilvy, servant to the said Alexander.

Registration, by Mr Olipheir Colt, advocate, as procurator, of a band

Edinburgh, 22nd Sept. Caution for Whitelaw of New Grange and his son.

executed at Quhytehall and Abirbrothok, 14th and 18th September, in presence of George Liddell, Thomas Gairdner (Gardin), burgesses of Abirbrothok, Johnne Feirsell, Mr Alexander Peirsoun, notary, Alexander Quhytlaw, Aphrame (Ephrame) Quhytlaw, George Dolleward, tailor, and tenant to the Goodman of Collistoun, to the effect that Johnne Guthrie of Collistoun becomes surety for "the honorable" Mr Patrik Quhytlaw of New Grange in 1000 merks, and for Patrik Quhytlaw, fiar thereof, in 300 merks, that they will not harm the "honorable" Patrik Wode of Bonnytoun, or Alexander Ramsay, his tenant. Acta 1587–89.

Caution for Giles Gray.

Registration, by Mr Olipheir Colt, advocate, as procurator, of a band subscribed by the parties at New Grange, 19th September, before Williame Guthree of Kingany, Mr Johnne Gairdnare (Gardin), Thomas Futhie, containing caution by Henrie Futhie of Bysaik in 1000 merks for the honourable Gelis Gray, liferentrix of Newgrange, that the aforesaid honourable Patrik Wode and his aforesaid tenant shall be harmless of her and hers. Page 100.

Edinburgh, 23rd Sept. Caution for James Kinross.

Registration, by James Kinros, as procurator, of a band subscribed by the parties at Hadingtoun, 23rd September, before Johnne Aytoun, burgess of Hadingtoun, Johnne Blak, baxter there, and Alexander Symsoun, public notary, whereby Thomas Seytoun of Northrig grants caution in 200 merks for James Kinros, spouse of Agnes Setoun, that Thomas Wallace in Nethir Collane and James Broun in the Horne shall not be molested by the said James.

Caution for David Rossy of that Ilk and others.

Registration, by Mr Johnne Russell, advocate, as procurator, of obligation subscribed at Bollishen, 7th September, before James Gibsoun, James Ogilvy, and Johnne Frenderth in Kerymure, according to which James, Lord Ogilvy of Airlie, becomes cautioner for David Rossy of that Ilk in 1000 merks, and for Patrik and Gilbert Rosseis, his sons, and David Auchtirlony *alias* Tyftenis, in 300 merks each, that they will not harm James Wode, fiar of Bonnytoun. Page 101.

Edinburgh, 29th Sept. Caution for Murray of Letterbanachy.

Caution by Johnne Arnot, fiar of Wodmylne, for Williame Murray of Lettirbannatie, collector of the tax of "xx s. of ilk pundland within the stewartrie of Stratharne," that he shall pay to Mr Thomas Lyoun of Balduky, treasurer, collector-general of the "first termis payment of the taxatioun grantit be the small baronis," such sums of money as the said Williame has intromitted with, over and above the £65 13s. 4d. delivered by him to Sir Johnne Murray of Tullibardin (who had again delivered the same to Robert Jowsie, merchant, Edinburgh), and the £6 consigned in the hands of the clerk of Secret Council. Page 102.

Edinburgh, 30th Sept. Caution for the Lady Pitfirrane and others.

Caution by Johnne Wardlaw, burgess of Edinburgh, for Elizabeth Hepburne, relict of George Hakket of Pitfirrane, in 1000 merks, and for Mark Donnald, her servant and miller, David Andirsoun, David Cunynghame in Prymrois, and Patrik Chalmer in Knokis, in 300 merks each, that they

Acta 1587-89. will not harm Phillop Moubra, son of James Moubra of Pitluvermylne, or Johnne Smetoun in Turnourhill, — the said Lady, and Mr George Halkett, Conservator of the Scots Privileges in Flanderis, becoming cautioners in relief.

Caution in £500 by Johnne Lowry, maltman, burgess of Edinburgh, and Robert Young, maltman, in Hieriggis beside the West Port of Edinburgh, for Johnne Lawsoun of Lochtulloch, who in his turn becomes surety for James Liddell in Lochtulloch, elder, James, David, Richard and Johnne Liddells, his sons, in 300 merks each, that Robert Hammiltoun of Bathcatt, Johnne and George Hammiltons, his "fader brethir," Rolland Hammiltoun in Bathcatt, James Hammiltoun there, and Alexander Hammiltoun of Bogheid, shall not be molested by the said persons,—Walter Hendirsoun, notary public, subscribing for the two burgesses of Edinburgh, who cannot write. Edinburgh, 4th Oct. Caution for John Lawson and others.

Page 103. Registration, by Mr Johnne Crawmonth, advocate, as procurator for the parties, of a band subscribed at Corsbie, 4th October, before Johnne Cranstoun, brother of the Laird of Corsbie, Johnne Borthuik, Johnne Campbell, servitors to the Laird of Corsbie, Alexander Wilkesoun, notary, Robert Patersoun, reader at Lidgertwode, by which George Cranstoun of Corsbie becomes surety for Thomas Cartar, Michaell Wilsoun, Robert Smyth, Gilbert Watsoun, Johnne Huntrodis, George Young, Williame Moffett, James Keir, Thomas Donnaldsoun, Niniane Hendirsoun, Alexander Hoppringle, Johnne Cadie, Thomas Greiff, and Robert Lyelstoun, tenants to their said surety in the town and lands of Bown, in 200 merks each, that they will not harm Issobell Hume, relict of Thomas Cranstoun, younger of Corsbie, his son, her tenants or servants. Edinburgh, 7th Oct. Caution for the tenants of Bowne.

Page 105. Caution by Johnne Carmichaell of that Ilk for of Mangertoun, now in ward in Edinburgh castle, and Cristie Armestrang, called Young Cristie of Barngleis, now in ward in Edinburgh tolbooth, that, on being liberated, they shall enter again within the same when required upon 15 days' warning, under pain of £2000 each, with payment of "all attemptatis committit aganis England" by them or "sic as thay ly plege for." Edinburgh, Oct. Caution for two Borderers in ward.

Caution in £1000 by Patrik Barclay of Towy for Thomas and James Kerris, that they shall repone Thomas Sibbauld, James Crommee, David Bonar, Hectour Umphra, and Robert Belgein, in the lands of Spynie, in case it shall be found they ought,—John Andro, Clerk of Council, subscribing for James Ker, who cannot write. Edinburgh, 22nd Oct. Caution for Thomas and James Ker.

Caution by Thomas Flemyng, burgess of Edinburgh, for George Hume of Broxmouth, that he shall make payment to Mr George Lawder of Bas, collector within the constabulary of Hadingtoun of the second term's payment of the £40,000 granted by the small barons, of such sums as he Edinburgh, 1st Nov. Caution for Home of Broxmouth.

shall be found to owe on that account, "speciall declaratioun and liquidatioun being maid quhat he aucht justlie to pay,"—Sir James Hume of Coldenknowis, principal collector of the said sum, and the said Mr George, to be warned to 1st December next to attend the trial. Acta 1587-89.

Edinburgh, 2nd Nov. Caution for Thomas Douglas.

Johnne Ousteane, burgess of Edinburgh, becomes surety for Thomas Douglas, burgess of the same, that he shall pay to Thomas Ottirburne of Reidhall, collector of the tax of £40,000, the sum of £3, 15s. for his part of the said tax in case it shall be found he ought.

Holyrood-house, 6th Nov.

Sederunt—Cancellarius; Coldenknowis; Clericus Registri; Clericus Justiciarie; Bernbarrauch.

The imprint of the two penny placks altered.

Although the new penny and two penny placks lately coined by Act of Council (*ante*, p. 317) "may weill aneuch be decernit be the imprent fra his Majesteis uthir cunyie," yet "becaus the saidis twa penny plackis aggreis in quantitie with the aucht penny peceis," some deceitful persons "takis occasioun thairby to outputt the same plackis in exchange for aucht penneyis, to the grite hurte of the simple and ignorant personis, ressavaris thairof." For remedy, the officers of the cunyiehouse are to "alter the imprent of the saidis twa penny plackis on the ane syde thairof, and cheiflie on that syde quhairon the scheild is placeit, be removing of the same scheild quhairon the lyoun is contenit, and to ad thairto twa dobbis upoun the bak syde of the lyoun, kepand alwayis the same imprent on the uthir syde expressit in the said Act." Proclamation hereof is ordered. Page 106.

Three new Councillors.

Mr Johnne Cokburne of Ormestoun, Johnne Carmichaell of that Ilk, and Mr Johnne Carnegy of Culluthy, are sworn as privy councillors.

John Lockhart against the Magistrates of Ayr.

Complaint of Johnne Lokhart of Boghall, as follows:—"He, being now becum ageit, and subject to divers diseassis and infirmiteis of body, and thairby unable to travell in the trade of merchandice or utherwayes in wynning of his leving be moyane or industrie, hes withdrawne himselff, his spous and familie, for his bettir ease, furth of the burgh of Air, quhair be maid his residence and duelling, to his awne place of Boghall, quhair he now makis residence, of intentioun to rest thair quietlie during the course of his lyffe. Nevirtheles, the provost, baillies and counsall of the said burgh of Air, upoun particular malice, without ony just caus, law, equitie or conscience, daylie taxtis and stentis the said complenare in all thair taxationis, stentis, and impositionis, that ony tymes occurris within the said burgh." It is "nawayes equitable" that, having removed from the burgh, he should be so charged as if still in it, especially "in respect he, being ane landit man, is subject to the payment of taxt for his landis."—Archibald Fergussill, provost, and James Craufurde and George Cochrane, bailies of Air, not appearing to answer as charged, and the complainer appearing by Mr Andro Lokhart, his son and procurator, the Lords discharge the said provost and bailies and their stent-masters from imposing any taxes upon the complainer in time coming.

Acta 1587–89. Page 107.

Suspension of horning against Richard and Alexander Boswell.

Complaint of Richard and Alexander Boswallis, burgesses of Kirkcaldy, as follows:—Thomas Balcanquell and Williame Murisoun, burgesses of Kirkaldy, alleging that the complainers "invadit and persewit thame of thair lyveis, howbeit the contrair be of veritie," had obtained, at their own instance and that of James Morisoun and James Kincavill, letters by virtue of which they had charged the complainers to find caution in 100 merks each, under pain of rebellion, not to harm them. On the 31st of August, or "immediatlie eftir the geving of the said charge," which was upon 27th August last, the complainers had found caution in all points as required, and intimation of the fact had been made to Thomas Fairny, messenger, executioner of the said letters. "Nochtwithstanding quhairof, be the perswasioun and buddis of the saidis Williame Morisoun, Thomas Balcanquell, and cheiflie of the said James Morisoun, the said Thomas maist maliciouslie and wrangouslie, upoun certane knawledge of the finding of the said caution, denunceit the saidis complenaris rebellis and put thame to the horne upoun the fourte day of September instant." Further, the said persons have again caused charge the complainers, by other letters, "quhairin thay have insert the names of the saidis James Morisoun and James Kincavill," to find caution and surety to them in the foresaid manner and under the foresaid pain, "intending, in cais of thair dissobedience, likwayes to caus denunce thame rebellis and putt thame to the horne" on that ground. Now, "be the space of ane quarter of ane yeir befoir the rasing of the saidis letters, the said James Kincavill depairtit furth of this realme in his voyage towardis Spayne, and as yit is nocht returnit," so that the said letters have been raised without his consent, "the saidis complenaris and he standing undir amytie and freindship, and na occasioun of mislyking or grudge betuix thame"; and, as to the said James Morisoun, "he hes nocht maid faith, as he aucht and suld have done, that he dreidis harme or injurie to be done to him be the saidis complenaris, and thay, being pure simple men, ar nocht able to gett new cautionaris undir sa grite soumes." They are, however, content to find caution to the said James Morisoun that he shall be harmless of them, "conforme to the Act of Parliament," and plead that, in all the circumstances, the said letters of horning should be suspended.—Thomas Balcanquell, Williame Murisoun, and James Murisoun had been charged to appear and answer; and now, Alexander Boiswall appearing for himself and for his brother, but not one of the defenders, nor Thomas Fairny, messenger, appearing, the Lords do suspend the letters.

Page 108.

To denounce John Reid, elder, John Reid, younger, and others, for not appearing to answer a complaint of John Arnott.

Complaint by Johnne Arnott, fiar of Wodmylne, as follows:—He has been in peaceable possession of the lands of Pinkartoun in Fyfeshire for many years; but on the 11th September last Johnne Reid, elder, Johnne Reid, younger, Johnne Martine, Thomas Bayne, Johnne Douglas, Johnne Creichtoun, and James Edmestoun, burgesses of Carraill, accompanyed "with a grite nowmer of the inhabitantis thairof, all bodin in feir of weir," had come to his said lands, "and not onlie stoppit his servandis to sheir the cornis growand thairupoun, quhilkis wer sawne be him this present

yeir, bot als cruellie and unmercifullie dang sum of the same servandis, Acta 1587-89
schoirit and avowit that, giff thay repairit thair agane, to bereve thame of thair lyveis." Again, upon 14th September, the persons complained of had come to his said lands, "and, be way of force and maisterfull reiff, reft, intromettit with, led and tuke away the haill cornis quhilkis grew thairupoun, baith stok and teind, to thair awne houssis, and upoun the same disponit at thair plesure, thinking be this way and be the lyke convocatioun and gaddering of a grite nowmer of rascall personis, inhabitantis of the said burgh, subject at all tymes to thair unlesum commandimentis, to dwang and oppres the said Johnne Arnott, being a young gentilman, and to appropriat his saidis landis unto thame selffis."—The first four of the persons complained of having been summoned to answer, but not appearing, while the complainer appears personally, the order is to denounce them rebels.

Thomas Tait of Adamhill against John Wallace of Craigie: Disputed right to a watergang and mill-dam.

King's letters raised by Thomas, Master of Glammis, treasurer, Sir Robert Melvill of Murdocairny, treasurer-depute, Mr David M°kgill of Nesbitt, King's advocate, and Thomas Tait of Adamehill, state that, upon 27th October 1584, Johnne Wallace of Dundonnald had become surety for John Wallace of Cragy, Williame Wallace, minister of Faill, Robert Wallace and Michaell Wallace, his brothers, that the said Thomas and his should be harmless of them, under a penalty of £2000; farther, that upon 11th August 1586 Williame Dunbar of Blantyre had become bound Page 109.
that the said Thomas Tait, his tenants and servants, should be harmless of Williame Wallace of Brighouse, and "all that he may latt," under the pain of 1000 merks. Notwithstanding these acts of caution, upon 16th and 18th March and 1st and 12th April last, Robert Wallace, younger of Carnell, Williame Wallace, minister of Faill, Robert Wallace and Michaell Wallace, his brothers, William Wallace of Brighouse, Adam Wallace younger in Hilhouse, Robert Wallace, brother of Williame Wallace of Brighous, Williame Wallace of Barnwell, and Johnne Craufurde, servant to the Laird of Cragy, with their accomplices, had come to the lands of Knokindaill belonging to the said Thomas Tait heritably, "and rave oute the wattergang and dam of the mylne of Knokindaill, teillit the same, and sew cornis thairupoun, and stoppis the passage of the water to the said Thomas mylne foirsaid, and spuilyeit him thairthrow of his possessioun of the said wattergang and mylne-dam; like as at thai same tymes they teill and sew cornis upoun the dyke of Knokindaill, pertening lykwayes to the said Thomas in heritage, possest and occupiit be Alexander Gothnay, his tennent; off the quhilk wattergang, mynle-dam and dyke foirsaid, the said Thomas Tait, his guidschir, fader, and utheris, thair predicessouris, have bene in peceable possessioun thir divers yeiris bigane past memor of man; like as thair richtis and titlis of the said wattergang and mylne-dam have bene authorized be ane decrete gevin be certane jugeis specialie nominat and appointit to tak cognitioun upoun the richtis and titlis of the said wattergang and mylne-dam then questionable betuix the saidis Thomas Tait and Katherene Huntar in Koudene and Johnne

Acta 1587-89. M^cSpading, hir sone thair." On these grounds the persons foresaid have violated their acts of caution, and accordingly their sureties have incurred the "panes and unlawis" specified.—The principals and their sureties foresaid had been summoned to hear it proved that they contravened their caution; and now, Johnne Oliphant appearing for the pursuers, and Williame Wallace, servitor to the Laird of Cragy, appearing as procurator for the defenders, the Lords remit the matter, without prejudice of party, to the Lords of Council and Session for decision with all possible expedition.

Page 110. Complaint of Sir Archibald Naper of Arnebillie that David Prestoun of Craigmyllair has lately charged him, under pain of rebellion, to find caution that he, his tenants and servants, shall be harmless of the complainer in their lands and goods, especially in the possession of the lands of Burnecruke, and that the said David intends, in case of his disobedience, to put him to the horn. This would be unjust, inasmuch as the foresaid lands belong to the complainer heritably, and therefore he "aucht nocht to have bene uthirwayes chargeit bot generallie, conforme to the Act of Parliament; quhilk caution, conforme to the said Act, he hes presentlie fund." Parties having been called, and the pursuer appearing personally, but the defender not appearing, the Lords suspend the foresaid letters *simpliciter* in time coming.[1] Suspension of horning against Sir Archibald Napier of Merchiston.

Caution by Mr Johnne Hairt, burgess in the Cannogait, for Johnne Reid, elder, Johnne Reid, younger, John Martine, and Thomas Bayne, in 300 merks each, that they shall answer before the Council upon 20th December next to the complaint of Johnne Arnott, fiar of Wodmylne,—Williame Bowsie, bailie of Carraill, becoming cautioner in relief. Edinburgh, 11th Nov. Caution for John Reid and others.

Sederunt—Cancellarius; Orknay; Thesaurarius; Clericus Registri; Lynclowden, Collector; Barnbarrauch. Holyrood-house, 12th Nov.

Page 111. Complaint by Thomas Tait of Adamehill, and Johnne Tait, his son, as follows:—For "manifest and intollerable oppressionis, wrangis and injureis," done them for many years by Johnne Wallace of Cragy, including partial proceedings "in his awne baillie courtis," the said Thomas had obtained a decree before the Lords of Council and Session, upon 9th March 1584, exempting him, his bairns, tenants and servants, from the jurisdiction of the said Johnne as bailie of Kyle Stewart and baron of the barony of Cragy. Yet the said Johnne had lately charged the complainers, "be vertew of utheris generall letters maid anent the resistance of the invasioun of the strangearis quhilkis arryved to the coistis of this Iland," to appear and make their waponshawings before him on Fallismure and Suspension of horning against Thomas Tait of Adamhill and his son.

[1] The complainant in this case, Sir Archibald Napier of Edinbelly in Stirlingshire, and of Merchiston, near Edinburgh, is the father of the famous John Napier of the Logarithms, who was thirty-eight years of age at the date of this entry. For previous traces of Sir Archibald, who had been for a while Master of the Mint, see vols. i., ii., and iii. by Indexes.

Bigliehill Grene upon the 20th and 26th of August last, and, for their non-appearance, "hes unlawit thame, and, for payment of the same unlaw, hes causit charge thame, be vertew of the saidis letters, undir the pane of rebellioun." Now, the said Thomas is not bound to appear before the said Johnne or any other in such waponshawings, "he being ane seiklie, ageit persone, past the age of lxviii yeiris, unable to beir or use armour," and the said Johnne Tait is "specialie exemit fra the said Johnne Wallace and his jurisdictioun as said is." Moreover, "gevin thay had not gevin mustour afoir him, as thay ar not oblist to do, bot onlie to the schireff of Air, to quhome thay ar and hes bene subject in tyme bigane, and befoir quhome they maid thair wapponshawing according to the commissioun gevin to him," yet the said Johnne Wallace "hes na pouer to proceid aganis thame, nor na mentioun being maid in the commissioun gevin to him to that effect, bot onlie eftir tryale tane, quhilk wes not used in this caus." Altogether, the proceeding of Wallace "is without warrand, and expres aganis the wordis and tennour of the said commissioun gevin to him."—The complainer, Thomas Tait, appearing for himself and his son, but Wallace not appearing, the Lords suspend the letters. Acta 1587-89.

Caution for Mr John Laing, keeper of the signet.

Caution by David Danielstoun, goldsmith, burgess of Edinburgh, for Mr Johnne Laing, keeper of the signet, that he shall pay to George Dundas of that Ilk, collector in Lynlythgowshire of the second term's payment of the tax of £40,000 granted by the small barons, the sum of 10 merks for his part for his lands of Kirkhill.

Frederick Freis, master of the Swedish ship "Unicorn," against the Earl Bothwell, Admiral, for having seized the ship.

Complaint of Frederick Freis, master of the ship called the "Unicorne of Lupkie," as follows:—He had lately arrived from Swadin with a cargo of goods belonging to Andreis Keyth, Lord Dingwell, and to certain merchants of this realm; and, "haveing disburdynnit his laidning," he had loaded his ship with coals, salt, and other merchandise, with which he had been "reddy to depairt to the said toun of Lupkie, beleving, in respect of the gude peax and amytie standing presentlie betuix this realme and the inhabitantis of the said toun, to have ressavit no stop." But Francis, Earl Bothuill, after having desired the complainer to sell his ship (which he had refused, as the ship belonged to the magistrates of Lupky), had ordered "certane men of weir" aboard, who had taken forcible possession of the ship, and "expellit the said complenar and his cumpany furth thairoff, intromettit with hir, and with the haill guidis and geir being thairin." The ship is thus detained still, "and the said complenaris victuallis and provisioun waistit and consumit"; and "the said Erll intendis to use and dispone upoun hir at his plesure," having, to colour his doing, "persewit the said complenair befoir himselff, querrelling him for the allegeit breking of arreistment and transporting of certain foirbodin guidis." As the Earl was both judge and party in this action, the Lords of Council and Session had, on complainer's supplication, discharged him from proceeding; but still the complainer can obtain no restitution of his ship and goods.—Parties having been called, and both appearing personally, the Lords remit the said matter to the Lords of Council and Page 112.

Acta 1587–89. Session, requiring them to proceed therein summarily, and in the meantime ordain the Earl to restore the ship and goods within 24 hours after the date hereof, the complainer finding caution, "actit in the buikis of admirallitie," to make the same furthcoming to all having right.

Suit by a Fleming against the Earl of Orkney for delivery of a ship taken by persons alleged to be pirates.

Complaint of Johanne Henryksoun, "Ferburcum Flemyng," skipper of a ship of the town of Edoun, in East Freisland:—While repairing, with his cargo of rye, rye meal, and similar goods, from the town of Danskyne to the town of Bream, he had been intercepted on 1st July last, opposite the coast of Norroway, by George Petirsoun, and certain Scotsmen, his accomplices, "flucmaris and commoun pryattis," and not only violently
Page 113. spuilyied of his ship and whole goods, "bot als himselff and his pilatt sett thair aschoir, destitute off all conforte." They had transported the ship and goods to Orknay, where, "eftir thay had putt the said complenaris haill servandis and equippage on land," they sold the goods, and are "lyand still with the said ship at the bak of the toun of Kirkwall," intending to dispose of the ship.—Robert, Earl of Orknay, within whose bounds the ship at present lies, had been summoned to answer in the affair; and now, the said Johanne appearing personally, with Captain Robert Arnott, his procurator, and the Earl of Orknay appearing by Johnne Clappertoun, his procurator, and Francis, Earl Bothuill, admiral of this realm, appearing also for his interest, the latter "allegeit that the said George Petirsoun, being the King of Spanys subject, obtenit a letter of merque to tak and apprehend the schippis and guidis of all personis inhabitantis of the Law Cuntrey off Flanderis, now dissobedient to him," and that "the said George, be vertew of the said letter of merque, tuke and apprehendit the said schip and kepis hir as lauchfull pryse,"—if which allegation shall be found not true, the said Earl will cause her to be delivered to the complainer. To this Captain Robert replies that the said letter of marque cannot be used against his client, "he not being the said King of Spanis subject," nor dwelling within his dominion, "bot within the boundis and dominioun of the Grave of Endem, presentlie in gude freindship with the said King of Spayne, and all uthiris christeane princeis."—The Lords, after consideration, remit the matter to the decision of the proper judges, and in the meantime ordain the Earls of Bothuill and Orknay to deliver the ship to the complainer within ten days hereof, he finding caution in the books of admiralty to make the said ship forthcoming to all having right.

Edinburgh, 13th Nov. Caution for Robert Leckie.

Caution in 500 merks by Walter Lekky of that Ilk for Robert Lekky of Kipdarroch, that he shall answer before the Council upon 25th November to a complaint of James Setoun of Tullibody.

Holyroodhouse, 15th Nov. Order in the

Page 114. The King and Council, having heard and considered evidence concerning "the lait accident" between Francis, Earl Bothuill, his friends and servants, on the one part, and the inhabitants of Leyth, on the other side,

matter of the "lait accident" between Earl Bothwell and the people of Leith.

find that the said Earl "wes directit doun to Leyth be his Majestie for eschewing of trouble liklie to have fallin oute betuix the saidis inhabitantis and sum men of weir being within the same, and that in the executioun of his commissioun he wes verie extraordinarlie handillit and used, not onlie be uttering injurious and uncumelie speicheis, bot als in offering straikis and persute of him be way of deid." As the people of Leith in this matter "had and hes maist haynouslie offendit and contempnit his Majestie and his Counsall, and cheiflie for that the said Erll wes and is of his Majesteis blude, a borne and a chosin counsellour, a nobleman of the realme, beirand alswa particulair charge and office of his Hienes," the said people of Leith are ordered to "acknawlege thair offens to his Majestie, his Counsell, and the said Erll, and to crave thame pardoun of the same"; and, for the Earl's better satisfaction, the bailies of Leyth are to "deliver and caus be deliverit to the capitane, constable, and keparis of the castell of Edinburgh, sic personis as the said Erll sall giff in bill, to be usit as his Majestie sall appoint".[1] Acta 1587-89.

Order for the keeping of certain Border pledges.

Certain pledges being now lodged in the tolbooth of Edinburgh "for keping of gude reule on the Bordouris," and pledges for the Borders being required by Act of Parliament to be kept on the north side of the Forth, and those for the Highlands and Isles on the south side (1587, c. 57, § 17, iii. 465), and the pledges now in question not having as yet "fund sufficient and responsall souirteis that thay sall keip trew warde ay and quhil thay be relevit ordourlie," it is ordained that they shall be kept in the houses of the noblemen, barons and others herein named, according to the Act of Parliament and the King's letters directed to this effect. They are, etc. [The names of the pledges and their keepers are not recorded].

[1] The unpopularity of Bothwell at this time, of which there are other instances than that mentioned in the present entry (see Calderwood, iv. 695, 696), connects itself with a state of affairs in Scotland some conception of which is necessary at this point for understanding what is to follow in the Register:— Though the Spanish Armada had ended in such disastrous wreck, and there had been great thanksgivings in Scotland as well as in England for the marvellous deliverance, the Spanish or Roman Catholic party among the Scots had not lost hopes, but had continued to correspond with the King of Spain and with the Prince of Parma, in the interest of a new project of an invasion of England through Scotland and with Scottish help. For this object there was, in fact, a widely ramified conspiracy, of which the Earl of Huntly, the imprisoned Lord Maxwell, Lord Claud Hamilton, and the Earls of Errol and Crawford (recently converted or reconverted to the Roman Catholic faith) were the heads, while among the most energetic agents, coming and going between Scotland and the Continent, were Captain Semple, Graham of Fintry, John Chisholm, and such Jesuits or seminary priests as Father James Gordon (Huntly's uncle), Father Edmond Hay, Father William Crichton, Robert Bruce, and Thomas Tyrie. To the skirts of this peculiarly Roman Catholic conspiracy, chiefly by Huntly's influence, the Protestant Earl Bothwell had been persuaded to attach himself, the intensity of his hatred to England overcoming all other feelings. While it was to a new Spanish invasion that the chiefs looked forward, it was their policy in the meantime to do all they could to thwart the existing government round the King, and persuade the King, if possible, to break up that government by dismissing Maitland from the chancellorship, Glammis from the treasurership, and the adherents of these from other offices. All through the year 1588, Huntly and his partisans had been labouring, on independent political grounds, for such a subversion of what may be called the Maitland government; and, though the King had hitherto stood firm by the Chancellor, they hoped yet to succeed, the King's liking for the society of Huntly and Bothwell being more manifest than ever.

Acta 1587–89. The said keepers are charged to receive the pledges directed to remain with them, within two hours after the charge, under pain of rebellion, and are commanded not to allow them to escape or pass home on any condition, till they be freed, under a penalty of £2000.

Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band of caution in £500 by Hew Wallace of Carnell for Williame Wallace of Brighous, that Thomas Tait of Adamehill, his bairns, tenants and servants, shall be harmless of the said Laird of Brighous. The band is subscribed at the Carnell upon 11th November 1588, before Williame [Wallace], minister of Failfurde, Johnne Shaw, younger, of Sornebeg, and Robert Wallace of Holmistoun. Edinburgh, 16th Nov. Caution for Wallace of Brighouse.

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Sederunt—Cancellarius; Episcopus Orcadensis; Clericus Registri; Clericus Justiciarie; Coldenknowis. Edinburgh, 22nd Nov.

Duncane M^{c}kdougall, fiar of Dunnoldycht, had been charged by Allane M^{c}kdougall of Bagaray to appear before the King and Council on his own account, and also as master and landlord of Dunstaiff Geir M^{c}Dounstaiff, Donnald M^{c}kdunstaiff, his son, and Duncane M^{c}Colloa, to present them to answer to a complaint by the said Allane. He had also been summoned to hear sentence pronounced in the action pursued against him by the said Allane, "tuicheing the exhibitioun" before the Council of Dougall M^{c}Soirll V^{c}Allaster, and Angus M^{c}Soirll V^{c}Allaster, his brother, alleged to be his tenants and servants.—The said Duncane appearing, but Allane failing to appear, Duncane protests that he shall not be held to answer to the said charges till again warned by letters, and the Lords admit the protest. Protest by Duncan M^{c}Dougall of Dunolly.

Page 116.

George Auchinlek of Balmanno had charged Robert Gordoun of Sawak, James Hendirsoun in Archeidlie, Alexander Hendirsoun, son of Johnne Hendirsoun there, James Stevin in Sawak, Williame Arthour there, Johnne Sym, younger, there, Patrik Meatland there, Williame Baxtar there, and Patrik Gordoun, son of Johnne Gordoun there, to answer before the King and Council to a complaint by the said George "twicheing thair allegeit cuming upoun the thrid day of September last bipast to the said George barnis and place of Schethin, and thair taking and apprehending of sax pure cottaris, being sheiring his cornis at his Manis of Schethin, and threatning and minassing thame with waponis, and cawsing thame to pas to the barne of Schethin, and deliver to the said Robert the haill threshin beir being thairintill of the crope and yeir lxxxvii yeiris, extending to 1 bollis beir or thairby."—The said Robert Gordoun appearing for himself and as procurator for the other persons cited, but George Auchinlek not appearing, the said Robert protests that neither he nor his colleagues shall be held to answer till they are again warned, and the Lords admit the protest. Protest in favour of Robert Gordon of Sawak and others.

To denounce Johnstone of Gretna and Johnstone of Wamphray for not answering a complaint by William Johnstone.

Complaint by Williame Johnnestoun, son of the late James Johnnestoun of Wamphray, as follows:—On the complaint of Margaret M°Clellane, relict of the said James, to the late Williame, Earl of Gowry, when lieutenant of the Borders, against David Johnnestoun in Staywode, for the slaughter of Cristie Wilsoun, her officer, and James Wilsoun, his son, and for the wrongous intrusion of himself into her 40s. land of Staywode and detention of the same from her for 21 years ("quhairupoun sho obtenit decrete befoir the Lordis of Counsall and Sessioun"), and against Johnne Johnnestoun of Kirkhill for his wrongous intrusion into, and detention from her, of the Kirkland of Wamphray, the said persons had been called before the said lieutenant, and, both appearing in a justice court held at Drumfreis, they had "come in the said Lieutennentis mercy,"—Johnne Johnnestoun of Graitnay becoming cautioner for the said David, and Gilbert Johnnestoun of Wamphray for the said Johnne, "to satisfie all pairteis as law will" (see vol. ii. p. 170; vol. iii. p. 352). The present complainer has been appointed cessioner and assignee to the decrees obtained by his mother before the Lords of Council and Session, as the intimation thereof at the market cross of Lochmaben purports; but, though he has divers times required the said sureties to satisfy him "anent the premissis," and obey the said decrees granted to his mother, "thay wrangouslie refuse and postpone to do the same."—The complainer appearing personally, but the defenders failing to appear, the Lords ordain them to be denounced rebels. Acta 1587-89. Page 117.

Edinburgh, 23rd Nov. Caution for John Gordon of Kenertie.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of a band of caution by Mr Robert Gardin of Ballimoir for Johnne Gordoun of Kennertye, that Mr Williame Leslie of Sevelie, his tenants, servants and goods, shall be harmless of the said Johnne. The band is subscribed at Marywell, 1st November 1588, before Williame Stewart in the Kirktoun of Bras, Bernard Stewart in Marywell, Thomas Gordoun, son of Johnne Gordoun of Carnburrow,—Mr Williame Andirsoun, notary public, subscribing the band for Gordoun of Kennertie, "becaus I could nott write myselff."

Edinburgh, 27th Nov. Caution for William Wallace.

Caution by Robert Shaw of Halie for Williame Wallace in Litill Cesnok, that he shall pay the collector 5 merks for his share of the third term's payment of the taxation of £40,000 for his five merkland in Litle Cesnok. Page 118.

Holyrood-house, 29th Nov.[1] Caution for David Graham of Fintry.

Caution in 1000 merks by Johnne Grahame of Knokdoleane for David Grahame of Fintrey, that, upon 15 days' warning, he shall answer before the Council, the justice, or other judge, "to all thingis that salbe layed to his charge."

[1] "A conventioun was holdin at Halyrudhous the 28th of November. Huntlie was made Captan of the guarde, and the Maister of Glames removed from that charge. Huntlie and his factioun stayed with the King, who stayed all this winter in the Abbey. They dealt earnestlie with the King to remove from the Court the Chanceller, Treasurer, and other Officers of Estat, or ellis to change them; but could not as yitt perswade him" (Calderwood, iv. 696).

Acta 1587-89.

Caution for Patrick Leith of Harthill.

Caution by Robert Afflek for Patrik Leith of Harthill, that he shall pay to Gilbert Guthree, messenger, such farther sums as he shall be found owing for his lands of Hairthill, over and above the £3 already consigned by him in the hands of the Clerk of Council, in case the said lands extend beyond three poundland of old extent.

Sederunt—[not recorded].

Holyrood-house, 30th Nov. Suspension of horning against Robert Leckie in Kipdarroch.

Complaint by Robert Lekkie in Kipdarroch, as follows:—He had been charged to answer at the instance of James Seytoun of Tullibody "anent certane pointis of oppressioun committit be the said complenair upoun him, quhairof he is altogidder innocent," and, for his non-appearance, has been put to the horn,—"wrangouslie and unjustlie," inasmuch as he had not been personally charged, nor had any copy of the letters been given to him or to any other in his name, so that his non-appearance had not been from contempt, but "upoun misknawlege of the said charge." Having now, however, found caution in 500 merks to answer to the said complaint upon the 25th inst., he pleads that the horning should be
Page 119. suspended.—Both parties appearing personally, the Lords, with consent of the said James, do suspend the letters of horning.

Edinburgh, 2nd Dec. Caution for John Stewart in Cassoquhy.

Caution in 500 merks by Johnne Stewart in Cassoquhy, as principal, and George Birkmyre at the kirk of Inchynnane, as surety for him, that Mr James Hering, provost of Methven, his tenants and servants, shall be harmless of the said Johnne Stewart,—Johnne Andro, Clerk of Council, subscribing for George Birkmyre, "becaus I can not write."

Caution for John Seton of Piteddie.

Caution in £1000 by David Balfour of Bandone for Johnne Seytoun of Piteddie, that Mr Robert Glen in Inchekery, and Mr Robert Glen, his son, their tenants and servants, shall be harmless of the said Johnne.

Edinburgh, 4th Dec. Caution for Auchinleck of Balmanno and his brothers.

Caution by Archibald Auchinlek of Cumlege for George Auchinlek of Balmanno in 5000 merks, and for Johnne and Adam Auchinleckis, his brothers, in 500 merks each, that Robert Gordoun of Sawak, his tenants and servants, shall be harmless of them.

Holyrood-house, 12th Dec.

Sederunt—Rex; Cancellarius; Huntley; Craufurde; Montrois; Thesaurarius; Episcopus Orcadensis; Culrois; Blantyre; Clericus Justiciarie; Clericus Registri; Murdocairny; Ormestoun; Linclowden.

David Murray, King's master stabler, against the tenants of Auchtermuchty for riot, assault, and mutilation.

Complaint by David Murray, one of the King's master-stablers, as follows:—Having obtained an heritable infeftment of feufarm of the lands of
Page 120. Auchtirmuchtie, within the shire of Fyffe, "the said complenair past in peceable and quiet maner, accumpanyed onlie with xxiiii personis, upoun the fyft day of November last bipast, to that pairt of the saidis landis of Auchtirmuchtie possest be umquhile Johnne Gilmour of , becum in the said complenaris handis be deceis of the said Johnne Gilmure, be

ressoun of our Act of Parliament (beiring na simple rentall to indure ony langair nor ane naikatt lyverent), of purpois and intentioun to have possest himselff in that parte of the saidis landis, lippynning for na thing les then the undeutifull usage or behaviour of ony the inhabitantis of the said toun." But Andro Robertsoun, Robert Rankyne, Richard Stirk, Barnard Stirk, Hew Rankyne, James and Johnne Myllairis, Richie Balcanquell, Stevin Laing, James Gilmure, called Little James, James Baverage, Robert Baverage, Robert Maxwall, Johnne Sym, Patrik Rankyne, Richard Buist, Johnne Rankyne, Johnne Smyth, Robert Gilmure, Robert Arnott, Robert Myllair, Andro M^cNeving, and Williame Airth, inhabitants of the toun of Auchtirmuchtie, had "immediatlie causit ring thair commoun bell and commandit the haill inhabitantis of the said toun to arme thameselffs for the persute and invasioun of the said complenair, under the pane of deid: quhairupoun the saidis haill inhabitantis incontinent putt thameselffis in armes to the nowmer of sax scoir personis, come furth of the said toun in weirlyke maner the space of halff ane myle, quhair thay umbesett the said complenaris hie way; and, without ony occasioun of offens or injurie done be him or ony in his cumpany to thame in worde, deid, or countenance, thay maist schamefullie and cruellie invadit and persewit him and the gentilmen being in his cumpany of thair lyveis, hurte and woundit him in divers pairtis of his body to the effusioun of his blude in grite quantitie, and hes dismemberit and mutilat him of ane fingair of his rycht hand, and had not faillit in thair rage and fury to have slane him wer not the grace of God and his awne bettir defens."—The persons complained of had been duly summoned; and now, David Murray appearing personally, and the said Andro Robertsoun, Robert Rankyne, Richard Stirk, Hew Ranykne, James Myllair, Johnne Myllair, James Baverage, Robert Baverage, Patrik Rankene, Johnne Rankyne, Johnne Smyth, Robert Gilmour, Robert Arnott and Williame Airth, being also present, but the said Barnard Stirk, Richard Balcanquell, Stevin Laing, James Gilmure, called Little James, Richard Buist, Robert Myllair, and Andro M^cNeving not appearing, the allegations of the parties present are considered, together with (1) the "confessioun and declaratioun of certane gentilmen quha wer alswa personalie present, and upoun the day foirsaid, be thameselffis and utheris direct frome thame, travellit with the saidis tennentis for eschewing of trouble, offering thame all ressoun in maist gentill termes, quhilk not onlie wes refused, bot injurie and persute be way of deid offerrit unto thame, like as sum of thame, afoir the approcheing of the said David Murray, wer hurte to the effusioun of thair blude be the saidis tennentis," and (2) "his Majesteis awne declaratioun anent his Hienes awne behaviour and gude meaning towardis the same tennentis, afoir and eftir the dispositioun and setting of the saidis landis in few to the said David." All which having been considered, the Lords find that the said tenants were the "first onsettaris and persewaris" of the said David, and that therein and by making convocation in arms "thay have offendit and contempnit his

Acta 1587–89.

Page 121.

Acta 1587-89. Majestie" and transgressed the Acts of Parliament, and therefore ordain them to be pursued for the same. It is further ordered that, for the mutilation of the said David, they shall be pursued before the Justice in the tolbooth of Edinburgh. Those of them who have appeared personally are commanded to enter their persons in ward within such burghs as shall be "expressit to thame particularlie be ane tickatt to be delyverit to thame be the officiar executour of the said letters," within three days after the charge, under the pain of rebellion; but the tenants above named who have not appeared are to be denounced rebels.

Caution for Laurence and Robert Stewart.

Caution by James Setoun of Tullibody for Laurence Stewart, and Robert Stewart, his brother, in 500 merks each, that they shall answer before the Council upon 20th January next to the complaint of Mr James Hering, provost and minister at Methven.

Edinburgh, 14th Dec. Caution for David Graham of Fintry.

Caution in £5000 by David Grahame of Fintrey, as principal, and Johnne, Earl of Montrois, as surety for him, that the said David shall go to Dundee within two days hereof, and depart thence to France, Flanderis, or "ony uthir pairt beyond sey," within a month thereafter, "and, quhill his depairting, sall remane within the said toun of Dundee, or uthirwayes pas and visie his moder and cheiff, that ilkane of thame may ressave mutuall conforte of uthiris." He is not to return from abroad without the King's licence, and in the meantime is to behave himself loyally and dutifully. If he does not go abroad as required, he is to enter in ward within the castle of Edinburgh with all possible diligence.[1]

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Edinburgh, 18th Dec.

Sederunt—Cancellarius; Huntley; Craufurde; Thesaurarius; Clericus Justiciarie; Clericus Registri; Custos Secreti Sigilli; Computorum Rotulator; Collector-Generalis; Ormestoun; Carmichaell; Culluthy.

Suspension of horning against Thomas Tait of Adamhill in the matter of claims against him for his part of the tax of £40,000.

Complaint by Thomas Tait of Adamehill, as follows:—"Schir Patrik Vans of Bernbarrauch, knycht, allegeing that his Majestie, upoun divers gude respectis, hes maid and constitute him, and sic uthiris personis as he pleis nominat and substitute undir him, his Majesteis undoutit and irrevocable collectour of the secund and thrid pairtis of the voluntarie taxatioun of xl^{m} lib. grantit be the small baronis of this realme for thair vote in Parliament, and that within the boundis of the schirefdome of Wigtoun, stewartrie of Kirkcudbrycht, and baillieries of Carrik and Kyle Stewart, nochtwithstanding ony uthiris collectouris maid of befoir, or to be maid thaireftir, for inbringing of the same, as the gift and commissioun grantit to him thairanent beiris," has thereupoun "purchest uthiris generall letters, and thairwith, on the ane parte, hes causit charge the said complenair to

[1] For some years this David Graham, Laird of Fintry in Angus, had been one of the most marked of the Scottish Roman Catholics. He had been denounced as an excommunicated person, active and dangerous in his neighbourhood, by the General Assembly of the preceding February (Calderwood, iv. 660). A harder sentence than the present was in store for him.

answer and mak payment to the said Schir Patrik and his substitutis in his name of his pairt of the said stent of his landis of Adamehill and twa merk land and ane halff of Knokindaill, lyand within the said baillierie of Kyle Stewart, and that for the secund and thrid termes payment of the foirsald sowme, within ten dayis eftir the charge, undir the pane of rebellioun." At the same time "Schir James Hume of Coldenknowis, knycht, capitane of the Castell of Edinburgh, allegeing that the secund termes payment of xl^{m} lib., extending to xx^{m} merkis, is assignit to him be his Majestie for reparatioun of the said castell, hes, on the uthir pairt, purchest utheris generall letters, and thairwith causit charge the said complenair to pay the soume of xx ß. for every pundland of his landis foirsaidis for his part of the said secund termes payment, within xv dayis nixt eftir the charge, undir the pane of rebellioun." For alleged neglect of these commands, "baith the saidis pairteis intendis, as the said complenair is surelie informit, to caus putt him to the horne." Now, in the first place, "the said complenair is nawayes astricted, nor can not be haldin to pay ony pairt of the said taxatioun, becaus it is specialie providit be the said Act that the same suld be cravit and upliftit fra the baronis and thair vassallis being undir the degree of prelattis and lordis of Parliament, and trew it is that the said twa merk land and ane halff of Knokindaill, pertening to the said complenair in heritage, is haldin be him of Johnne, Lord Hammiltoun, quha hes comprisit the superioritie thairof fra capitane James Stewart, and swa is nawayes haldin of ony persone quha ressavit the benefit and previlege of the said Act," while, "as to the said fyve pund land of Adamehill, the same is haldin of Johnne Wallace of Cragy, quha will compell the said complenair, his vassaill, to ansuer and mak payment to him of the stent thairof." Moreover, "albeit it mycht be found that the said complenair aucht to pay his pairt of the said stent for his landis foirsaidis," yet "na ressoun wald that he suld mak double payment thairof to twa sindrie pairteis baith clameand rycht thairto in maner foirsaid, bot the maist pairt he can be astricted unto is onlie to mak single pament of the same sa fer as extendis to his pairt thairof; quhilk single payment he is content to mak to ane of the saidis pairteis found to have best rycht thairto, and forder aucht nocht to be compellit, and hes instantlie consignit the sowme of ten merkis, as for the just stent of his saidis landis of Adamehill and Knokindaill pertening to him in heritage, lyand within the said bailierie of Kyle Stewart, to be delyverit to ony ane of the saidis pairteis quha salbe found to have best rycht thairto."—Vans and Hume having been duly charged but failing to appear, while the complainer appears personally, the Lords suspend the foresaid letters, as craved, for the reasons stated, and because the said Thomas has consigned in the hands of the Clerk of Council other ten merks besides the ten formerly consigned.

Acta 1587–89.

Page 123.

Suspension of horning against Thomas Douglas for his share of the Lesser Barons' tax.

Thomas Douglas, burgess of Edinburgh, complains that, for his non-payment, as spouse of Cristeane Hering, Lady Lowrestoun, of the sum of £3, 15s. to Thomas Ottirburne of Redhall, collector of the small barons' tax of £40,000, the said Thomas "hes or ellis intendis to caus putt him to

Acta 1587-89. the horne." The complainer craves suspension of this process in respect that, for "age, seiknes and inhabilitie," he has been allowed to "remane at hame fra all oistis, armeyis, weiris, wapponshawingis, gadderingis and assembleis quhatsumevir, for all the dayis of his lyftyme, and siclike fra all compeiring or passing upoun assyissis or inqueistis in actionis criminale or civile," and has also been discharged of all watching, warding, or payment of any taxes whatsoever, as appears from the King's letter of exemption given after his "perfyte age of xxi yeiris compleit."—The complainer appearing personally, but Ottirburne not appearing, the Lords suspend the said letters.

Page 124.

To denounce George Crawford for non-appearance to answer a charge of Allan Pinkerton.

Complaint of Allane Pinkartoun, burgess of Ruthirglen, as follows:— In the month of , James Craufurde, younger, of Ferme, with George and Petir Craufurdis, his father's brothers, and their servants, had "come, undir cloude and silence of nycht, to the said complenaris dwelling hous in Rutherglen, he being baillie thairof for the tyme, and maisterfullie and perforce brak up the durris of his said house, enterit thairintill, putt violent handis in the said complenair, and led him as captive and prisonair with thame to the place of Ferme, quhairin thay kepit and detenit him the space of tuelff houris." Further, "upoun the day of Julii last, the said George, of the speciall causing and command of the said James, invadit and persewit the said complenair with ane drawne swerd for his bodilie harme and slauchter, and upoun the morne thaireftir sercheit and socht him within the said burgh; and, getting knauledge that he wes in the house of the persone of Eglishame, he come to the said hous, and perforce with foir-hammeris brak up the durris thairof, invadit and persewit the said complenair of his lyffe, and had not faillit to have slane him wer nocht his awne bettir defens and the help of sum honnest nychtbouris." Still more, the said George "daylie and nychtlie, sen the said moneth of Julii, watcheis and hes his espyis aboute the said house, of purpois and intentioun, giff the said complenair sall repair thairunto, to have his lyffe; and, not satisfeit heirwith, the saidis James and his fader brethir threatned and compellit Johnne Pinkartoun, and Helene Riddaill, his servand, to leave the sheiring of his cornis in harvest, schoiring thame, as alswa the personis quha wer accustomat to teill his landis, with death giff thay shew ony kynd of nychtbourheid to him, and hes denunceit and denunceis thair inimitie and unkyndnes to all these quha ather speikis to the said complenair or shawis him ony conforte or succour, quhairthrow not onlie have thay laid his haill landis and possessionis waist, bot alswa hes banissit him fra his awne hous and familie sen Julii last bipast, to his utter wrak and miserie."—The complainer appearing personally, but George failing to appear, the decree is that the latter be denounced rebel, and that, immediately after the denunciation, the sheriff of Lanark and his deputes shall remove him from Pinkartoun's dwelling house and lands, and enter Pinkartoun in the same.

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Caution in 5000 merks by James Craufurd of Ferme, as principal, and

Edinburgh, 19th Dec. Caution for James Crawford of Ferm and Peter Crawford.

James Hammiltoun of Libbertoun and James Hammiltoun of Stanehous, Acta 1587–89 as sureties for him and for Petir Craufurd, his father's brother, that the said principal shall not reset or intercommune with George Craufurde, his father's brother; also, in 5000 merks for the said principal, and in 1000 merks for the said Petir, his father's brother, that Allane Pinkartoun, burgess of Ruthirglen, his wife, bairns, tenants and servants, shall be harmless of them in their persons and goods.

Caution for Andrew Keddar in Watstoun.

Caution in 400 merks by Thomas Weir of Kirktoun for Andro Keddar in Watstoun, that James Lokhart, younger of Lie, his tenants and servants, shall be skaithless of the said Andro.

Holyrood house, 20th Dec.

Sederunt—Cancellarius; Thesaurarius; Clericus Justiciarie; Clericus Registri; David Setoun de Parbroth, Computorum Rotulator; Collector-Generalis; Murdocairny; Carmichaell; Culluthy. Page 126.

Suspension of horning against John Reid, elder, and others.

Complaint of Johnne Reid, elder, Johnne Reid, younger, Johnne Martine, and Thomas Bayne, as follows:—For certain alleged "pointis of oppressioun and injurie" upon Johnne Arnott, fiar of Wodmylne, "quhairof thay ar altogidder innocent," they had been summoned to appear before the Privy Council; and, as they had not appeared, Arnott had obtained other letters whereby they have been put to the horn. Now, at the very time that the complainers were summoned, "thay wer at the Ilis, in thair lauchfull trade of merchandice, and sum of thame as yit ar nocht returnit." They have now found caution for their appearance to answer, and urge that the letters of horning should be suspended.—The complainers appearing by Williame Bousy, their procurator, but Arnott failing to appear, the Lords do suspend the said letters.

Edinburgh, 21st Dec. Caution for Thomas Weir.

Caution in 300 merks by Thomas Weir, apparent of Kirktoun, as principal, and James Hammiltoun of Stanehous, as surety for him, that David Hammiltoun, servant to Johnne, Lord Hammiltoun, his tenants and servants, shall be harmless of the said Weir.

Edinburgh, 23rd Dec. Band for James Henderson and others.

Registration, by Alexander King, advocate, as procurator for James Gordoun of Haddo, of a band to the following effect:—George Auchinlek of Balmanno,—having raised letters alleging that Robert Gordoun of Sauchok, accompanied by James Hendirsoun in Archadlie, Alexander Hendirsoun, son of Johnne Hendirsoun there, James Stevin in Sauchok, Williame Arthour there, Patrik Maitland there, Johnne Sym, younger, there, Williame Baxter there, Patrik Gordun, son to Johnne Gordoun there, and others to the number of 24 persons, "come to the barnyairdis of Schethin, and thair causit certane the said George servandis deliver to him fyftie bollis beir or thairby,"—had charged the said Robert Gordoun, under a penalty of 5000 merks, and each of the remanent persons foresaid under a penalty of 500 merks, to find sufficient cautioners that the said George Auchinlek, his tenants and servants, should be harmless of them, as Page 127.

Acta 1587–89. appears from the said letters, dated at Haliruidhous, 27th November 1588. Now, therefore, James Gordoun of Haddo becomes surety and lawburrows to the said effect for the said James Hendirsoun, James Stevin, Williame Arthour, Patrik Maitland, and Patrik Gordoun. He subscribes the band at Tarves, 17th Dec. 1588, before Gilbert Gray of Shenes, James Johnnstoun of Chappeltoun, Mr Johnne Gray, Robert Birney, Alexander Leask, notary public, and Johnne Forbes of Craigtoun.

Page 128. Caution in £2000 by Alexander, Bishop of Brechin, and Johnne Campbell of Lawaris, for Duncane M°Kdougall, fiar of Dunnoldycht, that he shall enter those for whom he is bound by the general band "to abyde tryale for sic crymes quhairof thay salbe dilaited and accused," and farther, that he shall appear personally when charged to "ansuer upoun his diligence done in the premissis." Caution for Macdougall, fiar of Dunolly.

Caution in £1000 by James Haliburtoun of Cokilmylne, in Dirltoun, for Dame Dorathie Stewart, Countess of Gowry, that Williame Bonar of Rossie, heritable proprietor of the lands of Pitcarne, and Alexander Bonar of Balgirsho, liferenter thereof, their tenants and servants, shall be harmless of her. Edinburgh, 26th Dec. Caution for the Countess of Gowrie.

Caution by James Skrymgeour of the Myris for James Gilmour in Auchtirmuchtie, Stevin Laing there, and Andro M°Neving there, in 300 merks each, that they shall appear and answer upon 10th January next to a complaint by David Murray, one of the King's master-stablers. Edinburgh, 31st Dec. Caution for James Gilmour and others.

Caution in 1000 merks by Johnne Turnbull of Mynto for Watt Turnbull of Beulie, that Robert Turnbull, son of the said Watt, his tenants and servants, shall be harmless of the said Watt,—John Andro, Clerk of Page 129. Council, subscribing for the surety, who cannot write. Edinburgh, 1st Jan. 1588–89. Caution for Walter Turnbull of Bewlie.

Caution by Johnne Campbell of Calder for Dougall M°Kdougall of Dunnoldycht and Allane M°Kdougall of Ragaray, in £2000 each, that they shall enter, when required, those for whom they are bound by the general band, "to abyde tryale for sic crymes quhairof thay salbe dilaited and accused," and also that they, or their cautioner, will appear and answer, when charged, concerning their diligence in the matter. Edinburgh, 2nd Jan. Caution for Macdougalls.

Sederunt—Cancellarius; Thesaurarius; Episcopus Orcadensis; Culrois; Pluscarden; Newbottle; Coldenknowis; Ormestoun; Clericus Registri; Parbroth, Computorum Rotulator; Blantyre; Collector-Generalis; Culluthy. Edinburgh, 3rd Jan.

King's letters raised by Mr David M°kgill of Nesbitt, his Majesty's advocate, state that, in October last, Lauchlane M°Clayne of Dowart, "accumpanyed with a grite nowmer of thevis, brokin men, and sornaris of Clannis, besydis the nowmer of ane hundreth Spanyeartis, come, bodin in Order to denounce MacLean of Duart for not answering a charge of

atrocities committed in the Isles with the assistance of Spaniards.

feir of weir, to his Majesteis propir ilis of Canna, Rum, Eg, and the Ile of Elennole, and, eftir thay had soirned, wracked, and spoilled the saidis haill Illis, thay tressonablie rased fyre, and in maist barbarous, shamefull and cruell maner, brynt the same Illis, with the haill men, wemen and childrene being thairintill, not spairing the pupillis and infantis, and at that same tyme past to the Castell of Ardnamurchin, assegeit the same, and lay aboute the said castell three dayis, using in the meantyme all kynd of hostilitie and force, baith be fyre and swerd, that mycht be had for recovery thairof: fra the persute of the quhilk thay had not returned unles be the force and power of his Majesteis gude subjectis thay wer putt bak and the house relevit. The like barbarous and shamefull crueltie hes sendle bene hard of amangis Christeanis in ony kingdome or age, the said Lauchlane being movit heirunto in respect the inhabitantis of the saidis Ilis wer his Majesteis proper tennentis, destitute of the conforte and assistance of the clannit men of the Ilis to participat with thame in thair awne defens."—The Advocate appearing, the Lords order the said Lauchlane, who has made no appearance, to be denounced rebel. Acta 1587–89.

Order in the controversy between two sets of Magistrates in the burgh of Crail.

Complaint of the bailies of the burgh of Carrail, as follows:—In consequence of the "difference and contraversie" in the burgh this year "anent the electioun of thair magistratis," the King had given direction for electing the complainers as bailies, "and thay, conforme thairto, wer duelie and lauchfullie electit" at Michaelmas last; since which time they have discharged their office diligently and without trouble: "quhill now of lait that James Annand, Andro Martine, and Johnne Douglas, burgessis of the said burgh, have, without ony ordinair, lauchfull or free electioun, usurped upoun thame the said office of baillierie, and not onlie makis impediment to the saidis complenaris in using of the said office, bot hes alienat and drawne the hairtis of ane grite nowmer of the inhabitantis of the said burgh fra thair dew obedience aucht to the saidis complenaris, thair lauchfull magistratis, and dois quhat in thame lyis to interteny and rais ane uproare and seditioun within the said burgh."—Charge having been given to the three accused to appear and answer, and James Geddie and Williame Bowsy, two of the complainers, appearing for themselves, and for Harie Lindsay and Williame Robertsoun, their colleagues, and Douglas appearing for himself and as procurator for his two co-defendants, the Lords grant commission to one of the bailies of each of the burghs of Edinburgh, Perth and Dundee to repair as soon as possible to Carraill, and there to "elect and chuse sic personis to be magistratis of the said burgh for this present yeir as thay esteme to be maist wyse, discreit and best affectionat," and also "to prescryve and sett doun in write the forme and ordour of electioun of magistratis within the same burgh yeirly in tyme cuming." The inhabitants are to conform to the order taken, and to obey the magistrates to be chosen for the present year. Page 130.

Suspension of horning against Gordon of Lochinvar.

Complaint by Sir Johnne Gordoun of Lochinvar, as follows:—Dame Margaret Scott, Lady Johnnestoun, has lately charged him to pay her 3500 merks, "as ane pairt of the soume and unlaw quhairin the said Page 131.

Acta 1587–89. complenair, as ane of the cautionaris for Johnne, Lord Maxwell, wes, be decrete of his Majestie and his Prevey Counsall, decernit, conforme to ane allegeit gift maid be his Hienes to hir thairupoun"; and, for his failure, she intends to put him to the horn. Now, at the date of the said decree, the King, "haveing specialie ado with sum gold for the outred of sum materis tuicheing his Hienes in honnour," ordered the said complainer to pay to him 400 crowns as part of the said fine, promising at the same time, both "be worde and write," that no execution should be done against him for payment of the balance of the said penalty till he was relieved of the same either by Lord Maxwall or by his Majesty. He has not yet been relieved by Lord Maxwall, nor can the complainer "gudlie have executioun aganis him, be ressoun of his present restrent and captivitie, he being undir dangeir of the lawis, and inhibitioun gevin to his haill tennentis that nane ansuer him of his leving"; so that, although the complainer should obtain decree against the said Lord, yet, "quhill he be tryit foull or clene of the crymes quhairof he is dilait," or restored to his Majesty's favour and clemency, he cannot get execution against him. Farther, the complainer is not liable to the said Lady for payment of any part of the said unlaw, because she has obtained no decree against him, "nor yit is the said decrete transferrit in hir persone." On these grounds, the said letters of horning should be suspended.—The complainer appearing personally, and the defendant by Archibald Douglas, macer, her procurator, the reasons and allegations of both sides having been considered, together with the foresaid promise, "subscryvit with his Hienes hand of the date at Drumfries the xiiii day of Junii last bipast," the Lords suspend the foresaid letters against the complainer till 15th May next, in order that in the meantime he may pursue Lord Maxwell for his relief.

Edinburgh, 6th Jan. Caution for Macdougall fiar of Dunolly.

Caution in 3000 merks by Johnne Cunynghame of Drumquhassill for Duncane M°kdougall, fiar of Dunnoldycht, that Dougall M°kdougall of Dunnoldycht and Allane M°kdougall of Ragaray, their tenants and servants, shall be harmless of the said Duncane,—Mr Johnne Grahame of Halyairdis becoming surety in relief.

Page 132.

Edinburgh, 8th Jan.

Sederunt—Hammiltoun; Cancellarius; Mar; Hereis; Thesaurarius; Pluscarden; Blantyre; Newbottle; Coldenknowis; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Ormestoun; Murdocairny; Barnbarrauch; Culluthy.

Suspension of horning against Patrick Leith of Harthill, sued for his part of the Lesser Barons' tax.

Patrik Leith of Hairthill complains that, for his non-payment of 20s. for each poundland of his five poundland of Hairthill "for the first terme of the baronis lait taxatioun," Gilbert Guthrie, messenger, intends to put him to the horn, although the said lands of Hairthill in which he is infeft are only three pound land of old extent, as his retour and service show. He craves suspension of the said letters, having consigned £3 and found caution for farther payment in case the same lands "ar ony forder in

extent."—The complainer appearing by Robert Afflek, his procurator, but the defendant not appearing, the Lords do suspend the said letters. Acta 1587–89.

Protest for the Bailies of St Andrews.

Abraham Gray, as procurator for the bailies of Sanctandrois, gives in a copy of King's letters raised by Johnne Braid in Sanctandrois, by which Abraham alleged that the said bailies had been charged upon 1st January instant to release the said Johnne out of their tolbooth, or else to present him before the Council upon the fourth day after said charge. Parties Page 133. having been called, and the said Johnne not appearing, by himself or by any other, the said Abraham protests that, as he had causes to propone why the said Johnne should not be released,—"cheiflie becaus he wes apprehendit and retenit in warde be vertew of letters of captioun quhilkis past upoun utheris letters of hoirning rased at the instance of James Robertsoun, burges of the said citie,"—nothing shall be done for the release of the said prisoner till the bailies "be neulie warnit." The Lords admit the protest.

Caution for William Brown in Eyemouth.

Caution in £500 by Williame Broun in Aymouth, as principal, and Stevin Brounfeild of Grenelawden, as surety for him, that James Craw of Gunisgrene and George Craw in Nethir Byris, with their tenants and servants, shall be harmless of the said principal.

Caution for Chalmers of Wrighthill.

Caution by Andro Chalmer of Wrychthill, as principal, and Williame Wallace, as surety for him, that the said Andro shall pay 4 merks for the third term's payment of the tax for his four merkland of Wrychthill.

Protest for Grissel Gaw.

Grissell Gaw, relict of David Allirdes of Skadwy, gives in a copy of King's letters by which George Allirdes of Skadwy had charged her to produce before the Council other letters raised by her against him, ordering him to find caution not to harm her or hers, with a view to the suspension of the same. The said George not appearing, the said Grissell, "having maid faith that sho dred harme to be done to hir, hir tennentis and servandis, be the said George," protests that, in respect thereof and of his not appearing, she shall not be bound to answer till again warned, and that her letters against the said George shall be put to farther execution: "quhilk protestatioun the saidis Lordis admittit."

Holyrood-house, 10th Jan.

Sederunt—PRESENTE REGE—Hammiltoun; Cancellarius; Huntley; Page 134 Erroll; Mar; Montrois; Thesaurarius; Coldenknowis; Neubottle; Pluscarden; Blantyre; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Collector-Generalis; Murdocairny; Barnbarrauch; Carmichaell.

Regulations in matter of the taxation of £100,000, voted for the King's marriage.

A tax of £100,000 having been voted for the King's marriage (4th April 1588, *ante*, p. 269), and his Majesty "being myndit that the same his marriage salbe accomplissed with all convenient expeditioun," it is ordered that £50,000 of the tax shall be paid by Whitsunday 1589, £25,000 by the feast of Martinmas 1589, and £25,000 by the feast of Martinmas 1590. The taxation is to be "divydit amangis his Hienes Esteatis in maner following, according to the avise and conclusioun of the commissionaris appointit for setting of the forme of the same":—that is

Acta 1587–89. to say, £50,000 by the Spiritual Estate; £33,333, 6s. 8d. by the Barons and Freeholders; and £16,666, 13s. 4d. by the Burghs. Every pound-land belonging to barons and freeholders is taxed at the rate of 30s., of which 15s. shall be uplifted for the first term's payment, 7s. 6d. for the
Page 135. second term, and 7s. 6d. for the third term. There follow the usual provisions for the collecting and enforcing payment of the tax, the beneficed persons and the barons and freeholders having relief against vassals, subvassals, feuars, pensioners, ladies of terce, conjunct fiars and liferenters. Suspensions to persons charged for payment of any part of the said taxation can be obtained only before the Lords of Session and the said Commissioners, conjunctly and severally. Also, the King has promised to grant no discharge to any person subject to the payment of any part of the said taxation, and, with advice of his Council, has resolved that no precepts shall be issued for payment of any part of the said taxation to any person unless the same be subscribed by ten persons of every estate. Mr Johnne Colvill of Strarudy is appointed collector-general of the whole taxation.

Page 136. Caution by Williame Hay of Lynplum for John Cokburne of Wodheid, that the said Johnne shall relieve Sir Williame Sinclair of Hirdmestoun of his part of the first term's payment of the barons' tax of £40,000 for his lands of Wodheid, if it be found that he ought to do the same. Caution for John Cockburn.

Registration, by Mr Williame Hairt, advocate, as procurator for the sureties, of a band of caution by Mr David Monypenny, elder of Pitmillie, and James Monypenny, fiar thereof, for Johnne Reid, elder, Johnne Reid, younger, Johnne Martine, and Thomas Bayne, burgesses of Carraill, that Johnne Arnott, fiar of Wodmylne, his tenants and servants, shall be harmless of them. The band is subscribed at Pitmillie and Carraill, 7th January 1588, before these witnesses: Williame Bowsie, burgess of Carraill, James Monypenny, brother to the said David, Johnne Melvill, and Johnne M^{c}Kesoun, notary public, common clerk of Carraill,—the last subscribing for Johnne Martine, "becaus I can not wryte myselff." Band for John Reid, elder, John Reid, younger, and others, burgesses of Crail.

Edinburgh, 11th Jan.

Caution in £1000 by Johnne Ramsay of Brakmouth for Andro, Earl of Rothes, that the tenants of the lands and lordship of Abirnethy shall be
Page 137. harmless of the said Earl; and caution in £1000 to the same effect by George Aytoun, apparent of Inchederny, for James, Master of Rothes. Caution for Earl and Master of Rothes.

Registration, by Alexander King, advocate, as procurator for Hew Scott, burgess and custumar of Irwing, Williame Henrisoun, "hoirner," and Margaret Walkair, his spouse, of a band as follows:—The said Williame and Margaret having been charged by the King's letters, dated 6th September last, to find caution that Patrik Watsoun, son and apparent heir of Patrik Watsoun, burgess of the said burgh, and Margaret Gemmill, his spouse, with their bairns and servants, should be harmless of them, the said Hew Scott becomes surety to that effect for Williame in 300 merks and for
Page 138. his spouse in £100. The obligation is subscribed at Irwing, 6th January, before Niniane Barclay and Williame Mure, bailies of Irwing, Johnne Band for William Henderson and his spouse.

Thomesoun, Johnne Hendirsoun, burgesses,—Hew Broun, notary public, and common clerk of the burgh, subscribing for Hendirsoun and his spouse, "becaus we can not wryte ourselffis." Acta 1587–89.

Edinburgh, 14th Jan. Caution for Maxwell, fiar of Lamington.

Caution in £2000 by Edward Maxwall, fiar of Lamingtoun, as principal, and Williame, Lord Herreis, as surety for him, that Maxwall, spouse of Sir Johnne Gordoun of Lochinvar, and the said Sir Johnne, with their tenants and servants, shall be harmless of the said principal.

Holyrood-house, 15th Jan.

Sederunt—REGE PRESENTE—Hammiltoun; Huntley; Cancellarius; Erroll; Bothuill; Mar; Montrois; Hereis; Saltoun; Cathcairt; Thesaurarius; Neubottle; Blantyre; Clericus Registri; Clericus Justiciarie; Ormestoun; Murdocairny; Carmichaell; Barnbarrauch; Magister Petrus Young; Willelmus Keyth.

Carmichael, Warden of the West March, against the keepers of Pledges.

Complaint of Johnne Carmichaell of that Ilk, warden of the West March, as follows:—Having accepted the said office at his Majesty's special desire, he had "reduceit ane grite nowmer of the outlawis and dissobedientis to his Hienes obedience," and had also, for the better keeping of the peace, entered pledges before certain noblemen and barons residing north of the Water of Forth, commanding them to keep the said pledges "in sure warde," not to be liberated without a warrant, subscribed by the King, his chancellor, and warden. Yet, as the complainer is informed, these pledges, or most of them, have been released without authority, so that the "haill brokin men and utheris for quhome the saidis plegeis lay have tane occasioun to committ all kynd of reiffis, heirschippis, spuilzeis and depredationis upoun his Majesteis gude subjectis, and to mak incursionis. [Here the minute abruptly stops, nearly half a page being left blank, as if to receive the remainder.] Page 139

Holyrood-house, 17th Jan.

Sederunt—Cancellarius; Montrois; Thesaurarius; Pluscardin; Blantyre; Ormestoun; Coldenknowis; Neubottle; Clericus Registri; Murdocairny; Culluthy.

Isobell Turnbull against William Douglas.

Complaint by Issobell, daughter, and the other kin and friends, of the late David Turnbull in Prestoun, as follows:—Williame Douglas in Boncle, having in June 1569, of set purpose, "maist cruellie, shamefullie and unmercifullie slane" the said David, "hes laitlie maist craftelie and previlie purchest ane remissioun," expressly contrary to the Act of Council made in the Convention of Estates in September 1586, and ratified in Parliament held at Edinburgh in July 1587, whereby it had been enacted that no respites for slauchters, fire-raising and other odious crimes should be granted without assythment of the injured party and inspection by the Treasurer of the letters of slains. Douglas having neither made assythment nor obtained letters of slains, his remission ought to be declared null. —The complainant appearing by her spouse and procurator, the respondent, Page 140

Acta 1587–89 appearing personally, produces a letter of slains, subscribed by Katherene Bukles, relict, Petir Turnbull, only brother, and George Turnbull in Cruikisfeild, nearest of the kin, of the deceased, dated at Edinburgh and Duns, 22nd November and 10th December 1569, and also the said letter of remission passed thereupoun, of date 26th November last; and the Lords therefore find the said remission to have been orderly passed and decern the same to be effectual.

Caution for Robert Semple of Corrinch.

Caution in 1000 merks by Donald Cunynghame of Aikinbar, bailie of Dunbartane, for Robert Semple of Corrinch, that Henry Kincaid of Auchinreoch, his tenants and servants, shall be harmless of the said Robert.

Caution for William Noble and David Falausdale.

Caution by Robert Semple of Corrinch, and Donald Cunynghame of Aikinbar, bailie of Dunbartane, for Williame Noble of Ardardane, and David Fallausdaill, burgess of Dunbartane, in 1000 merks each, that Henry Kincaid of Auchinreoch shall be harmless of them.

Page 141. Caution for Mr William Houston.

Caution to same purpose in 1000 merks by Mr Williame Howstoun, burgess of Dunbartane, as principal, and Robert Semple of Foulwode, as surety for him.

Caution for Robert Semple of Foulwood.

Caution to same purpose in 1000 merks by Robert Semple of Foulwode, as principal, and Donald Cunynghame of Aikinbar, as his surety.

Caution for John Paul and John Ewing.

Caution to same purpose by Robert Semple of Foulwode for Johnne Paull and Johnne Ewing in Kirkmichaell in 300 merks each.

Edinburgh, 18th Jan. Caution for Grierson of Lag.

Caution in £1000 by Harbart Maxwall of Cavens for Roger Greirsoun of Lag, that Gilbert Greirsoun of Penmurtie, his bairns, tenants and servants, shall be harmless of the said Roger.

Page 142. Caution for Mr Robert Maitland.

Caution by Mr James Maitland, servant to Sir Johnne Maitland of Thirlstane, for Mr Robert Maitland of Auchincreiff, that he shall pay to Gilbert Guthrie, messenger, such sums of money as he shall be found owing for his part of the first term's payment of the barons' tax of £40,000, besides the 20s. already consigned by him in the hands of the Clerk of Council; the said Gilbert, and Alexander Irwing of Drum, collector of the said tax within the bounds of [Aberdeenshire ?], to be warned to answer.

Caution for Alexander Mure of Skethmure and others.

Caution by Johnne Cunynghame of Drumquhassill, James Lokhart, younger, of Lie, and Allane M°Caula of Arnecapill, for Alexander Mure of Skethmure in 2000 merks, for Patrik Bruce, son of Thomas Bruce of Labbersheillis, in 500 merks, for Alexander Drummond, son natural of the late Gawine Drummond, and Williame and Charlis Sellaris, servants to the said Mure, in 300 merks each, that Williame Mure of Bothkennair, his wife, bairns, tenants and servants, shall be harmless of the said persons.

Caution for James Cuningham.

Caution in £500 by Williame Cunynghame of Polmais-Cunynghame for James Cunynghame, father-brother of Johnne Cunynghame of Fynneth, that the said Johnne Cunynghame of Fynneth-Drummond, Thomas Foullis, goldsmith, burgess of Edinburgh, Robert Halden of Belwill, and Umphra Cunynghame, commissary of Striviling, tutors to the said Johnne

Cunynghame, shall be harmless of the said James,—William Speir, notary public, subscribing for the said James, because he cannot write. Acta 1587-89

Edinburgh, 19th Jan. Caution for James Urquhart and others.

Caution by Patrik Dunbar of Blarie for James Urquhart, sheriff-depute of Murray, Alexander Dunbar in Thornehill, Johnne Dunbar there, and Johnne Dunbar, son of David Dunbar, *alias* Belzie, in £500 each, that they shall answer before the Council upon 20th May next to a complaint of Thomas Cuming of Altir,—Patrik Dunbar of Boghoill becoming cautioner in relief. Page 143.

Edinburgh, 20th Jan. Caution for Andrew Christie.

Caution in 1000 merks by Andro Cryistie, burgess of Tayne, as principal, and Johnne Davidsoun, burgess of Edinburgh, as surety for him, that Donald Moir, burgess of Tayne, his tenants and servants, shall be harmless of the said principal,—John Andro, Clerk of Council, subscribing for the two sureties, "becaus we can nocht wryte."

Caution for Macdougall, fiar of Dunolly.

Caution in £1000 by Archibald Carswall of Carnastrie for Duncane M°kdougall, fiar of Dunnoldycht, that Coline Campbell of Craiknishe, his tenants and servants, shall be harmless of the said Duncane.

Caution for John and William Buchanan.

Caution by Johnne Cunynghame of Drumquhassill for Johnne Buchannane in Camroun in 1000 merks, and for Williame Buchannane, his son, in 300 merks, that Henry Kincaid of Auchinreoch, his tenants and servants, shall be harmless of them.

Edinburgh, 22nd Jan. Caution for John Park of Balgray.

Caution by Johnne Blair, writer, burgess of Edinburgh, for Johnne Park of Balgray, that he shall pay to Sir Patrik Houstoun of that Ilk, collector of the first term's payment of the barons' tax in Renfrewshire, such sums as he shall be found to owe for his lands of Balgray, besides the £5 already paid by him to the said collector.

Caution for John Irving of Kingcausie, and Andrew, his son.

Caution by Alexander Irwing of Drum, younger, for Johnne Irwing of Kingcoussy, and Andro Irwing, his son, in £500 each, that they shall answer before the Council upon 24th May next to a complaint by Mr Andro Harvy in Blairis, and James, Thomas, and Williame, his sons. Page 144.

Caution for Cunningham of Drumquhassil.

Caution in 3000 merks by Johnne Cunynghame of Drumquhassill, as principal, and Allane M°Caulaw of Arnecapill, as surety for him, that Williame Cuninghame of Polmais-Cunynghame, his tenants and servants, shall be harmless of the said principal.

Edinburgh, 23rd Jan. Caution for Cumming of Altyre.

Caution in 2000 merks by Patrik Grant of Ratirmururchus for Thomas Cuming of Altir, that he will not harm George Douglas, minister at Dulles, or his tenants and servants.

Caution for Laurence and Robert Stewart.

Caution by James Setoun of Tullibody for Laurence Stewart in Pettincrevie, and Robert Stewart, his brother, in £1000 each, that Mr James Hering, provost and minister at Methven, his tenants and servants, shall be harmless of them.

Caution for John Gowan.

Caution by James Sandilandis, tailor, burgess of Edinburgh, for Johnne Gowane, younger of Cardrone, that he shall pay to Sir James Maxwall of Page 145.

Acta 1587–89. Calderwode, collector of the first term's payment of the barons' tax in Lanarkshire, such sums as he shall be found to owe for his lands lying in the said shire, over and above the £5 already paid by him to Thomas, Master of Glammis, treasurer, collector general of the said tax,—Andrew Cowy, notary public, subscribing for the surety, "becaus I can not write myselff."

Sederunt—Cancellarius; Hereis; Thesaurarius; Neubottle; Culrois; Blantyre; Clericus Justiciarie; Computorum Rotulator; Collector; Coldenknowis; Murdocairny; Carmichaell. Holyrood-house, 24th Jan.

Complaint by James Conheith, burgess of Edinburgh, as follows:—While on Rood-even last he was quietly transacting his business in the burgh of Drumfreis, Robert Huntar of Clonrae, who has lain at the horn for four years for the slaughters of Hector Huntair and Richard Maxwall of Cavens, "maist unmercifullie and shamefullie invadit and persewit the said complenair of his lyff", he being alone at the time and unarmed, "and gave him sevin deidlie straikis, quhairthrow he lay bedfast within the said burgh of Drumfreis the space of xv oulkis in grite perrell and hasard of his lyff, to his grite chargeis and expenssis and lose of his mercatt, quhairthrow he wes then dampnifeit and interest in vi^{c} merkis; of the quhilk injurie the said complenair culd nevir gett redres, seing the said Robert is houshald man and servand to Williame, Lord Hereis, provest of Drumfreis, quha and the inhabitantis of Drumfreis takis the defens and mantenance of him."—Charge having been given to Lord Hereis to present the said Robert Huntair this day, and the complainer and the said Lord now appearing personally, the latter promised to cause some person having full power from the said Robert to appear before "ony indifferent personis to be appointit be the saidis Lordis," and to satisfy the said James "for any skaith allegeit done to him be the said Robert or ony utheris be his occasioun," the said Robert receiving "the lik satisfactioun in sic thingis as he hes to crave of the said James." The Lords, considering this proposal reasonable, appoint the provost and bailies of Edinburgh to meet on Monday next, 27th January, and take such order as they may think equitable and convenient. James Conheith, burgess of Edinburgh, against Lord Herries.

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Caution in £1000 by Coline Eviott of Balhussie for Mr James Hering, provost and minister of Methven, that he will not harm Laurence Stewart, or Robert Stewart, his brother. Caution for the provost of Methven.

Caution in 1000 merks by Patrik Dunbar of Blarie for Patrik Dunbar of Boghoill, tutor of Cumnok, that he will not harm Thomas Cuming of Altir. Edinburgh, 26th Jan.

Caution in 500 merks by Daniel Cunynghame of Dalkeith and Andro Chalmer of Wrychthill for Margaret Chalmer, Lady Crochrig, that she will not harm Thomas Kennedy of Ardmillane. Caution for Dunbar of Boghole, and for Lady Crochrig.

Caution in 500 merks by Robert Cunynghame of Ladyland and Paull

Edinburgh, 27th Jan. Caution for Alexander Duncanson.

Cunynghame of Sauchop for Alexander Duncanesoun, son of the late Finla Duncanesoun, portioner of South Kinkell, that Margaret Morisoun, relict of the said Finlay, her tenants and servants, shall be harmless of the said Alexander. Acta 1587–89.

Ebindnrgh, 28th Jan. Caution for John Douglas and others.

Caution by James Somervill of Humbie and George Hering of Wester Glasclune for Johnne Douglas in Westhauch, Alexander Ruthven at the Mylne of Ruthven, Andro Cryistie there, Alexander Gairdner in Easthauch, James Ruthven, son to Walter Ruthven in the Few, Patrik Gairdnair in the Middilhauch, James Cunynghame there, James Gaw in Toftfewis, Alexander Lindsay, James Thomesoun there, David Gothra in the Mylne of Pitcarne, James Hutoun in the Burnegrange, David Lindsay in Graga, George Ruthven in Airlywicht, James Robertsoun in Ruthven, Johnne Murdo, Petir Fergussoun, gardener in Ruthven, Williame Thomesoun in the Newtoun of Ruthven, Thomas Swerd there, Walter M°Lauren in the Hoill, Johnne Weddell, Andro Cryistie in Blakruthven, James Barloche there, Johnne Maloche there, Henry Ramsay there, James Skarlott there, Robert Sinclair in the Peill, Williame Strang in Bamblair, and Andro Hendirsoun, in 300 merks each, that Williame Bonar of Rossie, heritable proprietor of the lands of Pitcarne, and Alexander Bonar of Balgirsho, liferenter thereof, and their tenants and servants, shall be harmless of the said persons. Page 147.

Caution for Alexander Dunbar of Thornhill and others.

Caution by David Brody of that Ilk and Patrik Dunbar of Boighoill for Alexander Dunbar of Thornehill in 500 merks, and for Johnne Dunbar, burgess of Fores, Johnne Forsyith, James Urquhart, Williame Urquhart, younger, James Vaus, Loury Urquhart, Johnne Dunbar, notary, called Conkett Johnne, Archie Mulene, burgess of Fores, Normond Dunbar of Cluny, Thomas Johnnestoun, and Williame Torry, in 300 merks each, that Thomas Cuming of Altir, his bairns, tenants and servants, shall be harmless of the said persons.

Caution for Lady Duffus, and James Sutherland, her son.

Caution by Patrik Dunbar of Blarie for Jonnett Grant, Lady Duffus, and James Sutherland, her son, in £1000 either of them, that George Dempstair, brother of Thomas Dempstair of Murehous, his tenants and servants, shall be harmless of them.

Edinburgh, 31st Jan. Caution for Patrick Blackadder, parson of Tullyallan.

Caution in 1000 merks by Patrick Blacader, parson of Tulliallane, as principal, and Andro Ker of Romanegrange and Williame Blacader of Halterss, as sureties for him, that Margaret Baverage, relict of Henry Prymrois in Burnebra, her bairns, tenants and servants, shall be harmless of them. Page 148.

Edinburgh, 4th Feb. Caution for Farquharson of Castleton.

Caution by Sir Thomas Gordoun of Cluny for Donald Ferquharsoun of Casteltoun in 1000 merks, and for Robert Gow in Beinyane and Thomas M°illivoir, in 200 merks either of them, that Andro Spalding of Ashintullie, and James Spaldin, his brother, shall be harmless of the said persons.

Acta 1587–89. Registration, by David Moysie, writer, as procurator for George Balfour, prior of Charterhous, and William Thomesoun, procurator in Dundee, of caution by the said George in 500 merks for Paull Thomesoun in Eglisjohnne, that Williame Carnegy in Canony, Alexander Carnegy in Galraw, and James Coline in the Bank of Ballachie, their tenants and servants, Page 149. shall be harmless of the said Paull,—the said Williame Thomesoun becoming bound to relieve Balfour. The band is subscribed at Dundee, 12th October 1588, before James Bonair, sheriff-depute of Forfair, Gilbert Quhittett, sheriff-clerk of the same, James Myln and David Skynudie, writers, and Archibald Bruce, servant to the said Gilbert Balfour. Band for Paul Thomson in Eglesjohn.

Caution in £1000 by Robert Ramsay of Bamonth, portioner of Kynmonth, as principal, and James Lindsay of Dowhill, as surety for him, that David Tullie, portioner of Kynmonth, his tenants and servants, shall be harmless of the said principal. Edinburgh, 5th Feb. Caution for Ramsay of Balmonth.

Caution by David Fermour in Kingisbarnis for Johnne, David, James and Andro Kayis, Williame Lummisden, and Andro Martine, in 300 merks each, that David Grundesoun, burgess of Carraill, Williame, Thomas and David Grundesonis, his sons, Andro and Johnne Grundesounis, his brothersons, and their tenants and servants, shall be harmless of the said persons. Edinburgh, 6th Feb.[1] Caution for John Kay and others.

Caution in £500 by Alexander Strauchane of Thornetoun for Williame Ousteane in Newtoun, that he will not harm Andro, Lord Dingwall, his tenants or servants. Caution for William Oustean.

Caution by George Cunynghame of the Haggis and James Cunynghame of Inchegotrik for Robert Boyd in Clarkland, Robert Mure there, Williame Wilsoun in Blaklaw, and remanent tenants of the forty merkland of Corswell, that they shall pay to Robert, Master of Eglintoun, collector of the second term's payment of the barons' tax of £40,000 within the bailiary of Cunynghame, their shares of the said tax for every poundland of Corswell possessed by them, in case they ought. Caution for the Tenants of Corswell.

[1] This day another General Assembly of the Kirk met in Edinburgh. The records of its proceedings are unusually scanty. Calderwood's summary is:—"It was frequented with manie noblemen and gentlemen. The greevances of everie province and presbyterie were givin in, whereby might be perceaved cleerelie how the land was defiled all throughout, speciallie the north and the south, with Poprie, superstitioun, bloodshed, and all kinds of villanie" (v. 5). In fact, the engrossing subject in the Assembly was that enormous increase of Jesuit and Roman Catholic activity in Scotland in correspondence with Spain, and in preparation for a new Spanish invasion of Britain, which had been agitating the public mind for months. Through January there had been a Convention in Edinburgh of such leading clergymen as Andrew Melville, Robert Pont, Robert Bruce, David Lindsay, &c., with eminent nobles, lairds, and lawyers, such as the Earl Marischal, the Master of Glammis, the Clerk-Register, Mr Thomas Craig, &c., presided over by Andrew Melville, with his nephew, James Melville, for clerk, expressly to consider the "dangers threatened to the true Religion," and to devise measures of prevention. Petitions had been presented to the King and Council for the more rigorous execution of the laws against "all Jesuits or other privat or publict seducers of his Hienesse' lieges," and even for the removal of "the sinistrous suspiciouns conceaved of his Hienesse' sinceritie in the truthe" on account of his indulgence to such persons and his admission of those in league with them to places of trust and to his own household (see Calderwood, v. 1–5).

Caution for Bonar of Rossie and others.

Caution in £500 by Alexander Bonar of Balgirsho, as one of the principals, and Patrik Dunbar of Blarie, as surety for him and for Williame Bonar of Rossie, Alexander Blair of Bagra, Niniane Bonar of Keltie, James Bonair, sheriff-clerk of Forfair, James Bonair of Culceuchair, and Alexander Creichtoun of Forgound, that they will not harm Dame Dorathie Stewart, Countess of Gowry, or her tenants and servants. Acta 1587-89. Page 150.

Edinburgh, 8th Feb. Caution for David Lindsay and others.

Caution by Johnne Lindsay of Covintoun for David Lindsay, son to the late Andro Lindsay, "javelour" of the tolbooth of Edinburgh, Nicoll Dalzell, younger, of that Ilk, and Henry Lauder, in 500 merks each, that they will not harm Johnne Douglas, burgess of Edinburgh, his wife, bairns, tenants, or servants.

Edinburgh, 10th Feb. Caution for Thomas Marjoribanks.

Caution in 500 merks by Archibald Myllair, writer, and Johnne Haliday, younger, merchant, burgess of Edinburgh, for Thomas Marjoribankis, son of Michael Marjoribankis, burgess of the said burgh, that Johnne Douglas, tailor, burgess of the said burgh, and his dependents, shall be harmless of the said Thomas.

Caution for James Chalmers of Gaitgirth.

Caution in 1000 merks by Alexander Cunynghame of Craganis for James Chalmer of Gaitgirth, that he will not harm Thomas Kennedy of Ardmillane,—Andro Chalmer of Wrychthill becoming surety in relief. Page 151.

Edinburgh, 13th Feb. Caution for Margaret Morison and Robert and William Duncan.

Registration, by Mr Johnne Moncrieff, advocate, as procurator for Williame Murray of Lettir Bannachie, of caution by the said Williame for Margaret Morisoun, relict of Finla Duncane, portioner of South Kinkell, and for Robert and Williame Duncanis, brothers to Alexander Duncane, son of the said Finlay, in 300 merks each, that they will not harm the said Alexander Duncane, his tenants or servants. Subscribed at Lattir Bannachie, 12th February, before David Murray, the cautioner's eldest son, Williame Sheirar, and David Allane.

Holyrood-house, 14th Feb.

Sederunt—Dominus Down; Neubottle; Blantyre; Clericus Registri; Barnbarrauch; Ormestoun; Magister Petrus Young.

Order to denounce Mark Ker and William Ker.

Complaint by Mr Williame Methven, minister at Langton kirk, as follows:—The complainer being likely to prevail in an action before the Session against Williame Cokburne of Chouslie and Marione Douglas, his mother, for removing them from four acres of land, called the glebe of the vicarage of Langtoun, "assignit to him, conforme to the Act of Parliament, for serving the cure at the said kirk," these persons had conceived "ane deidlie haitrent" against him, "minassing sindrie tymes to have his lyffe." To this effect, Markie Ker, brother of Lancie Ker of Gaitshaw, and Williame Ker, called Williame of Hayhoip, moved by the said Cokburne and his mother, had waylaid the complainer on 1st December last between the kirk of Langtoun and Fogo, "and thair maist cruellie and unmercifullie persewit him for his bodilie harme and slauchter, hurte

Acta 1587–89. Page 152.

and woundit him in divers pairtis of his body, to the effusioun of his blude in grite quantitie, and hes mutilat and dismemberit him of ane fingair of his left hand," not only in "contemptioun of his Majesteis authoritie and lawis," but also in bad example to other godless persons "to attempt the like aganis the ministeris of Godis worde, quhome thay aucht alwayes to reverence."—The complainer appearing personally, Mark and Williame, for not appearing, are denounced rebels.

Suspension of horning against Campbell of Cessnock and Lockhart of Bar.

Complaint by George Campbell of Little Cesnok and George Lokhart of Bar, as follows:—Sir Patrik Vans of Bernbarrauch, alleging that the second term's payment of the barons' tax in Kyle Stewart had been assigned to him for his "expenssis maid at his ambassadrie at Denmark," has charged them to pay him 20s. for every poundland belonging to them within the said bailiary, for the second term's payment, and as much for the third term's payment, within a certain space, and for their disobedience intends to denounce them rebels. Sir James Hume of Coldenknowis, alleging the second term's payment of the said tax to be assigned to him for repairing "certane decayed werkis within the Castell of Edinburgh," has also charged them to the same effect, under the threat of denunciation. Now, in the first place, those letters of horning are "generall, nocht condiscending in speciall quhat particulair sowmes and for quhat pundlandis thay suld pay the said taxt," and so, "be the generalitie of the saidis chargeis, the payment of thair pairtis of the said taxt mon be verie hurtfull to thame." In the second place, the complainers "ar double chargeit be twa sindrie pairteis allegeing richt to the said taxt." Although they are bound only to make single payment of the tax, they have consigned, for the second and third term's payment, the following sums in the hands of the Clerk of Council, to be delivered by him to the party having best right to the same, viz.:—Campbell, for his forty poundland of Cesnok, £80, for his forty shillingland of Tour and Tourbyre, £4, for his forty shillingland of Culgoiff, £4, for his merkland of Mekilyaird, 26s. 8d., and for his five poundland of Lenfyne, £10; and Lokhart, for his thirty-seven poundland of Bar, £74. On these grounds

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the said letters of horning ought to be suspended.—Charge to answer having been given to Vans and Hume, and also to Johnne Wallace of Cragy, collector of the tax in the said bailiary, and the complainers appearing by David Reid, their procurator, and the co-respondents being also present, except Wallace, the Lords do suspend the letters, because Campbell and Lokhart consigned in the hands of the Clerk of Council the above sums, which are now delivered at the command of the Council to Vans and Hume.

Suspension of horning against Andrew Shaw of Sornbeg and two of his kinsmen.

Similar complaint against the said Hume for charging Andro Shaw of Sornebeg to pay £8 for his eight poundland of Sornebeg, Robert Shaw of Halie to pay £5 for his five poundland of Halie, and Johnne Shaw, "oy and appeirand air to the said Andro," 13s. 4d. for his merkland in Nethir Langsyde, and against the said Vans, who claims the second and third terms' payment of the said tax in Wigtoun, Kirkcudbricht, Carrik and

Kyle, for charging the said complainers to pay to him 40s. for every poundland of their said lands. Suspension of the letters against them for non-payment is craved, on the ground that they "ar double chargeit" for the second term's payment, and that, regarding the third term's payment, "thair is na generall collectour as yit appointit thairunto, nor na ordour sett doun how the same salbe brocht in, at quhat termes or to quhat use it salbe applyit, and swa, the saidis letters being generall, it is very doubtsum to the saidis complenaris quhat thai sall do in this behalff." Yet, for "eschewing of the dangeir of hoirning," they have consigned in the hands of the Clerk of Council the sums following, viz.: Andro, £16 for his eight poundland of Sornebeg, Robert, £10 for his five poundland of Halie, and John, 26s. 8d. for his merkland of Nethir Langsyde, for the second and third terms. Both parties appearing, the complainers by David Reid, their procurator, the Lords decern as in the preceding entry. Acta 1587–89. Page 154.

Differences between Crawford of Ferme and some men of Rutherglen submitted to arbitration.

Submission by James Craufurde of Ferme, and George Craufurde, his father-brother, on the one part, and Allane Pinkairtoun, James Robesoun, and Thomas Robesoun, his son, burgesses of Rutherglen, on the other part, of all actions and differences standing between them to the judgment of Walter, Commendator of Blantyre, Keeper of the Privy Seal, Mr Andro Hay, parson of Renfrew, and Mr Archibald Craufurde, parson of Eglishame, —who are required to pronounce their decree arbitral by the 15th of May next. Both parties become bound to accept this decreet, without "ony appellatioun, reclamatioun, contradictioun or agane-calling quhatsumevir"; and, in the meantime, James Hammiltoun of Libbertoun becomes surety in 1000 merks for James and George Craufurdis that the other parties shall be harmless of them till the said 15th May,—Johnne Andro, clerk of Council, subscribing for Allane Pinkartoun and James Robesoun, "becaus we can nocht wryte." Page 155.

Suspension of horning against John Donaldson, burgess of Stirling.

Complaint by Johnne Donnaldsoun, burgess of Striviling:—He had lately been charged by a letter passed under the King's subscription and signet, and obtained, he understands, "be the moyane" of Williame, Commendator of Pittinweyme, and Andro Brady, his servant, to enter in ward within Blaknes, and to remain there till he found caution to "undirly the lawis for the allegeit cutting and distroying of certane grene wode and growand treis within the forrest of Torwode"; and now, for his disobedience, it is intended to "putt him to the horne." He craves suspension of the process, on the ground that the said letters "ar maist previlie and surreptiouslie purchest," inasmuch as he had never been "callit to his answer", nor had there been any process or sentence led against him, "quhilk aucht to have precedit the directioun of the saidis letters."—The complainer appearing personally, but the defenders failing to appear, the Lords do suspend the letters *simpliciter*, as having been "privilie and sinisterlie purchest, be inoportune sute of pairty outwith Counsall." Page 156.

Caution for Thomas Wallace in Nether Collane.

Registration, by Mr James Foullis, advocate, as procurator for Thomas Setoun of Northrig, of a band of caution in 500 merks by the said Thomas, for Thomas Wallace in Nether Collane, that Agnes Seytoun, and James

Acta 1587–89. Kinros, burgess of Perth, shall be harmless of Wallace. Subscribed at Edinburgh and Hadingtoun, 14th and 16th February, before Patrik Newtoun of that Ilk, Johnne Butlair, his servant, Johnne Symson, notary, Daniel Wallace.

Edinburgh, 15th Feb. Caution for Lord Forbes and the Master of Forbes.

Caution in 5000 merks by Johnne, Master of Forbes, as principal, and James, Master of Lindsay, and Alexander Forbes of Gellane, as sureties for him, and for Williame, Lord Forbes, that Andro Keith of Auldmad and his dependents shall be harmless of the said Lord and the said Master, and also that the said Lord and said Master shall not reset or intercommune with Alexander Forbes of Fingask, Johnne Forbes of Craigtoun, Williame Forbes, son to the late Forbes of Brux,—provided always that the said Andro shall not be hindered in his pursuit of the said Lord and said Master for the entry of their men, nor in any other of his actions, before the judges competent.

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Edinburgh, 16th Feb. Caution for Turnbull of Minto.

Caution by Johnne Turnbull of Mynto, as principal, and Alexander Horsburgh, fiar of that Ilk, as surety for him, that the said principal shall relieve the warden for "all attemptatis committit or to be committit aganis the peax" by himself or any for whom he is liable.

Caution for Hob Elliot.

Caution by Johnne Turnbull of Mynto and Edward Lorane of Harwode for Hob Ellot, called the Vicar's Hob, that, on being released from the tolbooth of Edinburgh, he shall re-enter within the same when required, upon 15 days' warning, under the pain of payment of the bill filed on Archie Elliott of Dogcleoch,—John Winzettis subscribing for Turnbull of Mynto, "becaus I can not wryte."

Edinburgh, 17th Feb. Caution for Cockburn of Chouslie.

Caution by Archibald Auchinlek of Cumlege for Williame Cokburne of Chouslie, and Marioun Douglas, his mother, that Mr Williame Methven, minister at Langtoun kirk, shall be harmless of them, under a penalty of £500 for either.

Caution for David Grundison and his son.

Registration, by Mr Johnne Moncreiff, advocate, as procurator for Johnne Cunynghame of Barnis, of a band of caution by Cunynghame for David Grundesoun, burgess of Carraill, in 500 merks, and for Williame Grundesoun, his son, in £300, that Johnne, David, James and Andro Kayis, Williame Lummisden, and Andro Martine, burgesses of Carraill, shall be harmless of the said persons. Subscribed at Iland of Maii, 14th February, before James Geddy, Thomas Cunynghame, and James Bruestoun.

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Edinburgh, 18th Feb. Caution for Hamilton of the Peill.

Caution by James Cochrane of Ogilface, sometime of Braidshaw, for James Hammiltoun of the Peill of Levingstoun, in 2000 merks, that he will not harm Dame Jeane Hammiltoun, Lady Eglintoun, or her tenants and servants.

Edinburgh, 19th Feb.

Sederunt—Cancellarius; Mar; Thesaurarius; Pluscarden; Neubottle; Coldenknowis; Blantyre; Clericus Registri; Computorum Rotulator; Barnbarrauch; Collector; Culluthy.

Forbes of Tulquhon not to be included among those whom Lord Forbes and the Master of Forbes are charged to enter before the King and Council as pledges for the Forbeses.

Petition by Williame Forbes of Tolquhone, as follows :—Having remained here during the last nine or ten weeks, attending to his affairs in session and otherwise, and being now ready to return home, he is informed that, "be his Majesteis previe missive letter, undir his Hienes subscriptioun allanerlie, without the subscriptioun of the Lord Chancellair or utheris officiaris of the Estate, groundit upoun ane narrative of the Act of the last Parliament sett down aganis sornaris and brokin men and chiftanis of clannis on the Hielandis and Bordouris" (1587, c. 59, iii. 461–467), Williame, Lord Forbes, and Johnne, Master of Forbes, are charged to enter the pledges mentioned in the said letter before the King and Council, upon the 15th day after the charge, to be disposed of according to the said Act. Now, the said charge ought to have no execution against the complainer, he being neither man, tenant nor servant of the said Lord or Master, "bot being ane gentilman halding his landis immediatlie of his Majestie, and the same landis and his dwelling lyand in Buchane, and he, his haill tennentis and servandis, being subject to the course of justice." It is not reasonable "to charge the said Lord or Maister or ony utheris to present him, quha is heir reddy to present himselff and answer for ony thing can be layed aganis him"; it would be hard to "trouble trew and peceable men that ar obedient, in place and for the faultis of troublesum and inobedient personis" for whom they are not responsible; "and thair wer als grite equitie to burdyn the Lairdis of Balwerie or Abbottishall to plege for the Scottis of Euisdaill, the Lairdis of Elphingstoun and Caskeben for the Johnnestounis off Annanderdale, and the Lairdis of Drum and Beltie for the Irwingis of Annanderdale, as to burdyn the said complenair that duellis laich in Buchane with the disobedience of ony brokin men of the surename of Forbes" residing in Mar and Strathdone. "And, giff ony brokin men of that or ony uthir surename suld attempt or do ony kynd of violent deid, outhir in the persute of menis lyveis, spuilyeing of thair guidis, rasing of fyre, or doing ony uthir kynd off wrang, thay, as culpable and gilty personis, for the preservatioun and saulftie of thair lyveis, passis with thair fang and foull hand to the montanis and hillis; [and] giff utheris of thair surname, quiet and peceable men, lyand quiet, undir Godis peax and his Majesteis obedience, at thair awne houssis, nocht knawand nor haveand intelligence or participatioun of thair doingis, and thay nather being men, tennentis nor servandis to thame,—giff the saidis complenaris suld be haldin to answer or plege for thair wrang, then wer the estate and conditioun of the quiet, obedient and peceable subjectis wer than the lymmar and rebellious, and this maist pernicious and dangerous practique, tending alsweill to the detriment and prejudice of the estate of the saidis Lordis of Prevey Counsall and all utheris noblemen within this realme as of the saidis complenaris, wald be maist wyislie in tyme preventit." The complainer therefore prays that he himself and the said Lord and said Master be exonerated of all entry of him as pledge for the said broken men in time coming.—The Lords, considering that the petitioner is "ane free barroun," holding his lands immediately of the

Acta 1587–89. Page 159.

Acta 1587–89. King, and answerable to the laws for himself and his men, grant the exoneration demanded.

Complaint by Patrik Hog, burgess of Kirkcaldy, as follows:—Johnne Hustirhater, Englishman, residing in Skarisburgh, having admitted, by his letters dated 4th November last, that he owed the complainer £96, 17s. 4d. sterling, and become bound to make payment between said date and 20th January last, the complainer had sent his brother to Skarisburgh to receive the said sum, "lippynning for na thing les then that ony shiftis or delays suld have bene used." But payment had been refused, on the ground that the debtor had obtained commission of Williame Allane, admiral-depute of this realm, authorizing the bailies of Skarisburgh to arrest and intromit with the goods of any Kirkcaldy persons happening to arrive in Skarisburgh, "ay and quhill pament be maid to him of certane sowmes of money, quhairin he allegeis he is dampnifeit and interest be the bailies of Kirkcaldy." Under pretence of said commission the said Johnne not only refuses to make payment of the said sum, but intends to arrest the ships and goods of all inhabitants of Kirkcaldy arriving in those bounds. Such a commission having never been granted to a stranger before, and neither the said admiral-depute nor any other inferior to his Majesty having power to grant the like, there has been "a maist hie and proud offens aganis his Majestie, and his Hienes subjectis, inhabitantis of the said toun of Kirkcaldy, trafficquaris in the realme of England."—The complainer appearing personally, the admiral-depute, Williame Allane, for failing to appear as charged, is to be denounced rebel.

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To denounce William Allan, admiral depute, for not answering to a charge of having issued an illegal commission.

Robert Blaikwode, burgess of Perth, Andro Blaikwode, his son and heir, Malcolme Reid, his servant, Johnne Cavie in Newburgh, Oliver Maxtoun in Perth, Oliver Peblis there, Robert M°kesoun there, and David Scott, servitor to Johnne Murray of Tibbermure, having been charged, at the instance of Cristeane Gairdnair, relict of Robert Glook in Pitcarne, with the bairns and friends of the same, to appear before the Council and produce "ane respett grantit to thame be the Kingis Majestie" for the slaughter of the said Robert, in order that the same might be declared null, the said Robert Blaikwode appears for himself and as procurator for the others mentioned, and protests, in respect that the said Cristeane has not appeared, personally or by deputy, neither he nor any of his colleagues shall be held farther to answer till they are again warned: "quhilk protestatioun the said Lordis admittit."

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Protest in favour of Robert Blackwood and others.

Caution by Patrik Levingtoun of Saltcoittis, as principal, and Mr Thomas Cranstoun, as surety for him, that he shall pay to Sir Williame Sinclair of Hirdmestoun such sums of money as he shall be found owing for his relief of his part of the second term's payment of the barons' tax of £40,000 for the said Patrik's lands of Kelhop, lying within the barony of Carfra and bailiary of Lauderdaill, besides the sum of 20s. already consigned by him in the hands of the Clerk of Council.

Caution for Livingstone of Saltcoats.

Caution by Sir Andro Hammiltoun of Goslintoun, and Robert Hammiltoun

Edinburgh, 20th Feb. Caution for Robert and Thomas Hamilton.

of Newtoun, his eldest son and apparent heir, for Robert Hammiltoun in Ovirtoun, in £500, and for Thomas Hammiltoun, his brother, in 500 merks, that they will not harm James Hammiltoun in Eister Ovirtoun, or his dependents. Acta 1587–89.

Caution for Hamilton of Goslington.

Caution in 1000 merks by Alexander Cunynghame of Craganis for Sir Andro Hammiltoun of Goslintoun, that he will not harm James Hammiltoun in Eistir Ovirtoun,—Sir Andro, Robert, his eldest son, and Williame Baillie of Lamingtoun, becoming sureties in relief.

Holyrood-house, 21st Feb.

Sederunt—Rex; Cancellarius; Bothuill; Mar; Thesaurarius; Neubottle; Pluscardin; Blantyre; Culrois; Coldenknowis; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Collector; Bernbarrauch; Culluthy.

To denounce Lady Swinton for not obeying a charge to produce two rebellious tenants of hers.

Complaint by Robert Heislop, minister and vicar at the parish kirk of Swyntoun, as follows:—Although David Corsair and Williame Broun had been denounced rebels on the 27th of June last for not finding caution for the safety of the complainer, they not only "maist proudlie and contempnandlie remane as yit unrelaxt", but "have mair havelie opprest and troublit the said complenair sen the using of the said denunciatioun nor thay did of befoir,"—instigated thereto by Robert Swyntoun of that Ilk, and Katherene Lauder, his mother, to whom the said rebels are servants.—Charge having been given to the said Katherene to appear and present the said rebels, and this charge having been disobeyed, while the complainer appears personally, the order is to denounce her rebel. Page 162.

Act for new stringency against Jesuits, seminary priests, and excommunicated persons, still lingering in the realm, and against the return of banished persons of the same sort: names of some such given.

Notwithstanding previous proclamations against divers Jesuits, excommunicated persons, and seminary priests, charging them to leave the realm, yet, "pairtlie becaus of the countenance and conforte quhilk thay fand in sum of the nobilitie and baronis of this realme, and pairtlie be the negligence and ouersycht of his Majesteis officiaris in not seiking the executioun of the pane and punishment prescrivit in his Hienes lawis and proclamationis foirsaidis," the said persons have boldly remained and persisted in their wicked trade. They are "of twa sortis,—the ane alluraris and persuadaris, be dispersing of buikis and prevey ressoning amangis the simple and ignorant people, to declyne frome the treuth and to imbrace superstitioun and idolatrie, and the uthir crafty and politique heidis, trafficquaris in materis of Estate, surmysaris and forgearis of leyis amangis sum of the nobilitie, dispersaris of brutis and rumouris of foreyne preparationis"; but both sorts have been "purpoislie directit to this effect frome the universiteis and collegeis of Jesuitis in Rome, and utheris of that rabill, enemyis to God and his Hienes, as hes bene sene be sum letters apprehendit with thame." His Majesty, accordingly, "hes, with avise of the Lordis of his Secreit Counsaill, avowit and professit the removing and expelling furth of the same of the saidis Jesuitis and excommunicat personis and seminarie preistis with sic diligence and expeditioun as convenientlie may be; as alswa that sic personis as hes bene, or at ony tyme heireftir salbe Page 175.

Acta 1587–89. convict befoir the justice or his deputis of ony thing concerning the trew religioun, his Majesteis persone and estate, and is presentlie remaning furth of this realme, or that salbe commandit to remane furth of the same heireftir, sall on nawayes returne agane thairin, unto the tyme thay reconceill thameselffis to the Kirk and ministerie thairof, and be thair procurement obtene his licence for thair returning and hame-cuming." Proclamation is therefore ordered at the market crosses of the head burghs commanding "all and sindrie the saidis Jesuittis, excommunicat personis, and seminarie preistis, specialie expressit in his Hienes formair proclamationis and utheris quhatsumevir, and in speciall Mr Edmond Hay, Mr Williame Creichtoun, Grahame of Fintrey, Robert Bruce, etc., that thay remove and depairt furth of this realme within the space expressit in thair particulair licenceis grantit to thame, wind and weddir serving to the same effect, undir the pane of deid; and siclike chargeing sic personis that hes bene or at ony tyme heireftir salbe convict befoir the Justice or his deputis of ony thing concerning the present religioun, his Majesteis persone or estate, and is presentlie furth of this realme, or that salbe banist and commandit to remane furth of the same heireftir, and in speciall, Patrik, Maister of Gray, Williame, sumtyme bischop of Dunblane, Mr James Gordoun, fader bruthir to the Erll of Huntley, that thay on nawayes returne agane thairin unto the tyme thay reconceill thame selffis to the Kirk and ministerie thairof, and be thair procurement obtene his Hienes licence for thair returning and hamecuming as said is, undir the said pane of deid." Persons contravening this Act are to be executed to death without favour by the commissioners mentioned in the former acts and proclamations; and the Treasurer is to intromit with the goods of offenders and account for the same. There is to be prosecution also of those resetting the offenders or intercomuning with them.

Page 162. Caution by Sir Patrik Hammiltoun of Goslintoun, Robert Hammiltoun, his son, and Williame Maxwall of Newlandis, for Robert Hammiltoun of Schatoun in £500, and for Robert and James, his sons, Gawine Tailliour in Kirksyde, and Gawine, his son, in £200 each, that James Hammiltoun in Eistir Ovirtoun, his wife, bairns, tenants and servants, shall be harmless of the said persons. Caution for Hamilton of Shawton and others.

Caution in £200 by Sir Johnne Wemis, apparent of that Ilk, for Johnne Wemis in Abirdour, that Andro Urquhart, Thomas Danyell, and Leonard Stevensoun, tenants of the lands of Hilfeild of Inverkething, shall be harmless of the said Wemis. Edinburgh, 22nd Feb. Caution for Andrew Urquhart and others.

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Caution by Williame Hammiltoun, burgess of Edinburgh, for Johnne Andirsoun in Sammelstoun, Alexander Robesoun there, and Louke Andirsoun there, in 300 merks each, that James M°Cartnay, son of James M°Cartnay, writer, shall be harmless of them. Edinburgh, 24th Feb. Caution for John Anderson and others.

Caution in £2000 by James Skryngeour of Dudop, constable of Dundee,

Edinburgh, 25th Feb. Caution for the Constable of Dundee.

as principal, and Alexander Guthree, fiar of Kincaldrum, as surety for him, that Jonnett Wemys, sometime spouse to Captain David Murray, shall be harmless of the said principal. Acta 1587-89.

Edinburgh, 26th Feb. Caution for Wemyss of Pittencrieff and his sons.

Caution by James Wemys of Logy for Johnne Wemys of Pettincreiff in 1000 merks, and for Johnne and Robert, his sons, in £500 either of them, that Andro Urquhart, Thomas Danyell, and Leonard Stevinsoun, tenants of Hilfeild, shall be harmless of the said persons.

Edinburgh, 27th Feb.[1] Caution for Patrick Murray and his son.

Caution by Williame Walwode, portioner of Touch, for Patrik Murray in Wyndmylnehill, and Andro Murray, his son, either of them in £200, that they will not harm the persons mentioned in the last Act.

[1] This was a tremendous day in Edinburgh. The story is told by Calderwood (v. 6, 7), who, however, erroneously gives the day as the 17th of February instead of the 27th. "The King being in the Tolbuith with the Lords of the Sessioun, and at the point of rysing, as the custome is, at the twelve houre, a packett," says Calderwood, "was presented to the King, sent from the Queene of England and English Counsell, conteaning a letter sent from the Queene herself to the King, and other letters, intercepted and found upon Colonell Sempill's man, called Pringill, directed by Huntlie, Erroll, to the Duke of Parme and King of Spaine, and by Mr Robert Bruce, seminarie preest, to the Duke of Parme, together with other letters directed by others, all tending to the overthrow of religioun and bringing in of Spanish forces to that effect." The chief of the intercepted letters, as "decyphered word by word" from the French secret writing and "translated in Scottish," may be read in Calderwood, v. 14–35, and a list of them, as despatched from London on the 20th of February, is given in the Calendar of English State Papers relating to Scotland at pp. 553, 554. They are all dated January 24, 1588–89, *i.e.*, little more than a month before the present date; and they consist of a letter from the Earl of Huntly to the King of Spain, another from the same Earl to the Duke of Parma, one from the Earl of Errol to the Duke of Parma, one from the Jesuit Robert Bruce in Leith to the Duke, another from the same Bruce to a Spanish agent, and a third from Bruce to Captain Semple. They must have made amply known to King James and his Council the extent and depth of the Scottish conspiracy that had been in existence for months in preparation for the new invasion of Britain contemplated by Spain (*ante*, p. 351, footnote), with the fact that there had been previous interchanges of letters and the receipt of a good deal of Spanish gold by the conspirators. The letters from Queen Elizabeth and her Council accompanying the intercepted letters were naturally very urgent,—that of Elizabeth to James most remarkably so. "Permit me, I pray you, my dear brother," she says to James, "to use as much plainness as I bear your sincerity. Your supposing to deal moderately and indifferently to both factions, and not to take nor punish at the first so notorious offenders as such as durst send to a foreign King for forces to land in your land under what pretence soever, without your special direction,—the same never punished, but rather holdfoot dear and near, with a parentage of near allya [*i.e.*, Huntly, married to the sister of Lennox], —Good Lord! methink I do but dream! No king a week would bear this. Their forces assembled and held near your person, held plots to take your person near the sea-side; and all this wrapped up with giving them offices, that they might the better accomplish their treason! These be not the forms of governments that my years have experimented. I would yours had not, for I swear unto you mine should never in like sort."—It is evident from this letter that Elizabeth was at one with the Scottish clergy and others of the King's subjects in thinking that he had been sufficiently aware already of the plots revealed by the intercepted letters, and had been too weakly indulgent to Huntly and others of the plotters (*ante*, p. 351, footnote). Her advice to him now was to act immediately and "clap up" the plotters before they could escape.—According to Calderwood (v. 7), when the packet was delivered to James in the Tolbooth of Edinburgh, there were present with him Huntly and Errol themselves, Bothwell, Morton (William Douglas of Lochleven, the new Earl of Morton), Angus (William Douglas of Glenbervie, allowed the succession to the Angus earldom for 40,000 merks), Mar, the Master of Glammis, the Master of Lindsay,

Acta 1587–89. Page 164.

For certain "speciall and maist wechtie considerationis", charge is directed to forbid any of the lieges to depart furth of this realm without the King's licence, "undir the pane of deid"; and the magistrates of burghs and seaports "quhair schippis ar presentlie or sal happin to arryve" are commanded to "stay and arreist the saidis unsailland, and to that effect to tak thair saillis fra thair rais." Edinburgh, 28th Feb.[1] None of the lieges to go abroad without licence.

Charge to be given to Francis, Earl of Erroll, personally if he can be apprehended, or, if not, at his places of Slanes and Logyalmont, and by open proclamation at the market crosses of Perth and Abirdene, to appear before the Council, under pain of rebellion, upon 8th day after the charge, to answer "tuicheing the allegeit practize tending to the subversioun of the trew religioun presentlie professit within this realme and perelling of his Majesteis persone and estate." Edinburgh, 29th Feb. Earl of Errol summoned before the Council.

In the Parliament held in July 1587 the small barons and freeholders had made a free and willing offer to his Majesty of £40,000 "for the necessair supporte of the effearis of his estate," to be paid by three instalments. Two of these instalments having been already paid, the third is now appointed to be paid to Sir Robert Melvill of Murdocairny, treasurer-depute, between this date and next; and, to that effect, the persons underwritten, who were the collectors of the first and second instalments, are charged to accept the office of collectors of the third term's payment, each within the bounds assigned to him, according to the tax rolls made thereupon, under pain of rebellion. They are: Andro Monro of Dawachartie, in the shire of Invernes; Johnne Urquhart, tutor of Cromartie, in the shire of Cromartie; Johnne Campbell of Cadell, in the shire of Narne; Cuming of Ernsyde, in the shire of Elgin and Fores; Mr Johnne Duff of Maldavat, in the shire of Banff; Alexander Irwing of Drum, in the shire of Abirdene; Williame Rait of Halgrene, in the shire of Kincardin; James Skryngeour of Dudop, constable of Dundee, in the shire of Forfair; Patrik Ogilvy of Inchemertine, in the shire of Perth; Williame Murray of Lettirbannachty, in the stewartry of Stratharne; Paull Dog of Dunrobin, in the stewartry of Menteith; Mr David Carnegy of Culluthy, in the shire of Fyffe; Williame, Earl of Mortoun, in the shire of Kinros; Robert Bruce of Clakmannane, in the shire of Clakmannane; Alexander Bruce of Airth, in the shire of Striviling; Sir James Maxwall of Calderwode, in the shire of Lanark; James Galbraith of Kilkreuch, in the shire of Dunbartane; Holyrood-house, 1st March. Act anent the third term's payment of the small barons' tax of £40,000.

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the Provost of Lincluden, and several others. There was considerable consternation after the opening of the letters. Errol managed to escape in the confusion; but Huntly, braving out the affair, and offering to await trial, was committed, with his own consent, to Edinburgh Castle. As he went up the High Street towards the castle, accompanied by his friends, he was observed to linger, as if thinking escape would be preferable; but, on being asked by the captain of the guard whether he would obey or not, he "yielded and went forward." The King spent that evening in consultation with Chancellor Maitland, and there was great excitement among the citizens.

[1] This day, Calderwood informs us (v. 36), the King and Chancellor Maitland went up to the castle and dined with the imprisoned Huntly. "The King kissed him often, and protested he knew he was innocent."

Sir Patrik Houstoun of that Ilk, in the shire of Renfrew; Hew Campbell of Terrinyeane, in the shire of Air; Johnne Wallace of Cragy, in the bailiary of Kyle Stewart; Robert, Master of Eglintoun, in the bailiary of Cunynghame; Patrik Mure of Cloncard, in the bailiary of Carrik; Symon M^c^crystie of Monkhill, in the shire of Wigtoun; Robert Charteris of Kelwode, in the stewartry of Kirkcudbricht; James Maitland of Eccles, in the shire of Drumfreis; James Johnnstoun of that Ilk, in the stewartry of Annanderdale; George Dundas of that Ilk, in the shire of Lynlythgow; Thomas Ottirburne of Reidhall, in the shire of Edinburgh principal; Mr George Lauder of Bas, in the shire of Edinburgh within the constabulary of Hadingtoun; George Hume of Weddirburne, in the shire of Beruick; Johnne Cranstoun of that Ilk, in the shire of Roxburgh; Patrik Murray of Fawlahill, in the shire of Selkirk; Twedy of Dreva, in the shire of Peblis; Sir James Campbell of Ardkinglas, in the shires of Ergyle and Tarbart; and Johnne Stewart, sheriff of Bute, in the shire of Bute. The sum of 20s. is to be uplifted for the said third instalment of every pound-land of old extent pertaining to the small barons and freeholders, held by them immediately of the King or other superior, or held of them by any subject,—the heritors and possessors of the said lands paying the said sum, for every pound land of the same, to the collector of every shire as said is, and having relief against their subvassals, conjunct-fiars, liferenters, and ladies of terce. Acta 1587–89.

Caution for Mr John, William, and Patrick Murray.

Caution by Williame Elphingstoun for Mr Johnne Murray, son of Captain David Murray, in 500 merks, and for William Murray and Patrik Murray, in £200 either of them, that they will not harm Thomas Danyell, Andro Urquhart, and Leonard Stevinsoun, tenants of Hilfeild.

Caution for Maxwell of Newark.

Caution in £500 by Robert Sempill, apparent of Foulwode, for Patrik Maxwall of Newark, that he will not harm Gelis Wallace, relict of Patrik Maxwell of Stanelie, or Johnne Maxwall, now of Stanelie.

Caution for James, Lord Borthwick.

Caution in 5000 merks by Patrik Murray of Fawlahill and Johnne (Josua ?) Borthuik of Glengilt for James, Lord Borthuik, that Mr Williame Hairt, advocate, his wife, bairns and servants, shall be harmless of Lord Borthuik, and also that the said Lord, on being released from Edinburgh Castle, shall keep ward in the burgh of Edinburgh till he present Robert, *alias* Hobbe Diksoun, page, before the King and Council, and obtain the King's licence for his liberty. Lord Borthuik and Walter Cairncroce are cautioners in relief. Page 166.

Caution for Laurence and James Mercer.

Caution by Johnne Murray of Palmais (Tuchadam) for Laurence Mersair in Dagaty in £500, and for James Mersair, his brother, in £200, that Andro Urquhart, Thomas Danyell, and Leonard Stevinsoun, shall be harmless of the said persons.

Edinburgh, 3rd March. Caution for Blair of Bagra and others.

Caution by Alexander Bonar of Balgirsho for Alexander Blair of Bagra in 500 merks, and for Thomas Gaw, notary, and Johnne Barry in Rait, each in 200 merks, that they will not harm Johnne Crystie in Abirnyte.

Acta 1587-89. Caution by Coline Eviott of Bowsy for Williame Dempstartoun in Bankheid, James Dempstartoun, his son, Williame Dempstartoun, his son, Robert Angus in Ovir Carnbo, Margaret Angus in Brigland, his sister, Henry Angus in Ovir Carnbo, and Andro Westwode in Brigland, in 300 merks each, that Henry Andirsoun in Craigbaky and Agnes Scott in Brigland shall be harmless of the said persons,—Williame Hering of Wester Glasclune and Williame Dempstartoun in Bankheid becoming cautioners in relief. Edinburgh, 4th March. Caution for William Dempstarton and others.

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The King and Council understanding that "sindrie passingeris travellis be sey furth of this realme, and divers strangeiris and native borne subjectis of the same, Jesuitis, excommunicat personis, seminarie preistis, and uthiris passingeris, ar transportit furth of uthiris cuntreyis and brocht within this realme, carying to and fra mony tressonable and dangerous writtingis, buikis, letters and messageis," it is ordered that the provosts and bailies of Abirdene, Montrois, Dundee, Sanctandrois, Carraill, Anstruthir, Pettinweyme, Dysairt, Kirkaldy, Kinghorne, Brint Iland, Leith, Aymouth, Quenisferry, Dunbartane, Air, Irwing, Kirkcudbrycht, and of all other towns at whose ports ships arrive, and also the customers and "cocquettaris" within the said bounds, be charged by proclamation at the market crosses of the said burghs, "that nane of thame tak upoun hand to suffir or permitt ony of the saidis shippis or utheris veshellis to depairt furth of this realme at ony tyme heireftir, nor yit custume thair guidis, nor grant cocquett thairupoun, bot to fens aud arreist the same shippis and veschellis, and tak the saillis fra the rais, unto the tyme thay find sufficient and responsaill souirteis actit in thair townis buikis that thay sall nocht transporte furth of this realme, nor yit bring within the same, ony Jesuitis, excommunicat personis, seminarie preistis, passingeris, strangearis, nor uthir enemeyis to the treuth, thair buikis, letters, nor messageis, privatlie nor publictlie, nather cary ony foirbodin guidis furth of this realme, without his Majesteis speciall licence obtenit to the same effect, and, last, that thay sall giff up the names and nowmer of thair equippage and cumpany, for quhome thay salbe ansuerable, undir the pane of confiscatioun of thair shippis and veshellis, and of the rest of all thair movable guidis to oure Soverane Lordis use: certefeing the saidis provest, baillies, custumar and cocquettaris, and thay failyie or be found negligent heirin, that his Majestie will crave accompt at thair handis, and will caus thame ansuer and undirly the pane and punishment dew to tressonable practizaris aganis the said religioun, his Hienes persone and estate, with all rigour and extremitie. Quhilk cautioun and souirtie being found in maner and to the effect foirsaid, his Majestie grantis licence thaireftir be thir presentis to the maisteris, skipparis and awnaris of the saidis shippis and veshellis to depairt furth of this realme in thair lauchfull trade of merchandice, nochtwithstanding his Hienes lait proclamatioun maid in the contrair [*ante*, p. 247], certefeing thame that depairtis afoir the finding of the same souirtie, thay salbe persewit in thair personis and guidis accord- Edinburgh, 5th March. Another Act anent treasonable coming and going between the realm and foreign parts.

ing to the tennour of the same proclamatioun, with all rigour and extremitie." Acta 1587–89.

Acquittance by Cristall Seton and his wife to the Commendator of Blantyre.

Registration of acquittance, presented by Cristell Setoun, burgess of Edinburgh, and Marioun Gray, his spouse, whereby the said Cristell and Marioun grant that they have received from the "richt honnourable" Walter, Commendator of Blantyre, Lord Privy Seal, the sum of 100 merks, in full satisfaction for his part of an obligation, dated 13th, 20th, and 31st August 1585, made upon payment of 600 merks by the said Commendator and certain others as conjunct cautionars for David Stewart, apparent of Besance in France." The acquittance is subscribed at Edinburgh, 5th March 1586, before Alexander Stewart and Alexander Craufurde, servitors to the said Commendator, Hary Bickartoun, writer, George Huchesoun, notary,—Cristell having signed it upon 3rd March 1588, in presence of Johnne Lyoun, servant to the Master of Glammis, Thomas Cunynghame, "cuke, our servand," and Alexander Gairtlie, servant to Johnne Ker, servitor to the said Master of Glammis: Johnne Blair, notary, subscribing for Marione, "becaus I culd not write myselff." Page 168.

Edinburgh, 6th March. Submission by the Earls Huntly and Marischal of all their feuds to the decision of the King.

All actions, feuds, and debates between George, Earl of Huntley, and his friends, on the one side, and George, Earl Mairshaell, and his friends, on the other side, having been submitted to the friendly judgment of his Majesty, and the Earl of Huntley having already delivered to his Majestie "certane offerris for the pairt of him, his freindis and utheris specifeit," for his fulfilment of these offers, and of the decree arbitral to be pronounced by the King by 1st May next, Patrik, Lord Drummond, the Master of Elphingstoun, Alexander, Master of Levingstoun, James, Commendator of Incheffray, Sir James Cheisholme of Dundorne, Alexander Drummond of Medop, Johnne Gordoun of Bucky, and George Drummond of Blair become sureties in the King's presence for Huntley, under a penalty of 10,000 merks, while Thomas, Master of Glammis, treasurer, Robert, Lord of Altrie, James, Master of Lindsay, Alexander Ogilvy of Boyne, Johnne Campbell of Caddell, Alexander Strauchane of Thornetoun, Alexander Stratoun of Lourestoun, and George Barclay of Mathernis, become sureties in 10,000 merks for the fulfilment by the Earl Mairshaell and his friends of whatever may be his Majesty's decree,—the penalties, in case of failure, to be uplifted from the said sureties and delivered to the "partie observair and performair of the premissis."[1]

Caution for Patrick Dunbar of Creloch.

Caution in 2000 merks by Patrik Dunbar of Creloch, as principal, and Johnne Dunbar of Mochrum, as surety for him, that Alexander Gordoun, tutor of Crachlaw, shall be harmless of the said principal. Page 169.

Caution for John Dunbar of Mochrum.

Caution to the same end in £2000 by Dunbar of Mochrum, as principal, and Dunbar of Crelocht, as surety for him.

[1] It was either this day or the next that Huntly was liberated from his brief imprisonment in Edinburgh Castle, his place there being taken by Lord Claud Hamilton, who had obeyed the King's summons to attend and answer for his part in the conspiracy revealed by the intercepted letters.

Acta 1587–89.

Caution for John Dunbar of Mochrum.

Caution in £1000 by Johnne Dunbar of Mochrum, as principal, and Patrik Mure of Cloncard, as surety for him, that Williame Campbell of Killintrea shall be harmless of the said principal.

Caution for Forbes of Gellane.

Caution in £1000 by Alexander Forbes of Gellane, as principal, and Johnne Forbes, fiar of Towie (Tolles), as surety for him, that Nicoll Donnaldsoun, *alias* M^{c}Intailliour, Johnne Donnaldsoun, Williame Watt, James Glasshene, Finla Allenoch, Allaster Tailliour, James Tailliour, tenants of the lands of Innernete, and Alexander, Master of Elphingstoun, heritable proprietor of the said lands, their master, shall be harmless of the said principal.

Edinburgh, 7th March.

Sederunt—Rex; Angus; Cancellarius; Marshaell; Mar; Mortoun; Altrie; Thesaurarius; Pluscarden; Computorum Rotulator; Clericus Registri; Collector; Willelmus Keith; Culluthy; Magister Petrus Young.

Act against the exportation of rough hides and barked leather.

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The King and Council understanding that the "rouch hydis and barkit leddir" have hitherto for the most part been exported "be certane gredy and avaritious personis, mair respecting thair awne particulair proffitt nor the commounweill of this thair native cuntrey," so that "not onlie ar the same hydis and leddir rissin to sic exhorbitant derth, bot now ar becum so scant that scairslie can the craftismen, labouraris of leddir, have sic quantitie as will hald thame occupiit for furnissing of his Hienes legis," proclamation is ordered at the market crosses of the head burghs forbidding the lieges to export any rough hides or barked leather till 20th April next, under pain of confiscation of the same, together with the rest of the moveables of the owners, and of the ships in which they shall be apprehended,—one third of the penalty to go to the "apprehendair and dilatair," and the rest to the King. That the Act may be enforced, the said craftsmen are empowered to apprehend and intromit with the said goods, applying the third to their own use "for thair labouris and travellis," and delivering the remainder to the King's treasurer, and the provosts, bailies, and inhabitants of burghs are to assist the said craftsmen in their exertions. The King and Council, however, certify the said craftsmen that, "giff thair werk and werkmanship sall not be sauld in the meantyme to his Hienes legis upoun sic priceis as thay wer sauld at the feist of Martymes last bipast," in that case "na forder restraint of the saidis hydis and barkit leddir salbe grantit eftir the said day."

Edinburgh, 9th March. Caution for Margaret Martin and her sons.

Caution by James Davidsoun, "ypothecair," burgess of Edinburgh, for Margaret Martine, relict of Mr William Arthour of Cairnis, and Johnne, Patrik, Magnus, Williame and Robert Arthouris, the mother and brothers of the late James Arthour, that, if it be found that they should be judged of new, they shall obey the judgment of "certane gentilmen in Fyffe" appointed for trying "of the first ground and occasioun of the authouris of the said umquhile James slauchtair."

Edinburgh, 10th March. Caution for Alexander Gordon.

Caution in 2000 merks by Alexander Gordoun, tutor of Crachlaw, as principal, and Alexander Stewart of Garleis, as surety for him, that Patrik Dunbar of Creloch shall be harmless of the said tutor. Acta 1587-89.

Edinburgh, 13th March. Band for John Somerville.

Registration, by Mr Thomas Craig, advocate, Mr Johnne Moncreif, advocate, and Mr Johnne Skene, advocate, as procurators for the parties, of a band of caution in £5000 by Williame Weir of Stanebyris, James Hammiltoun of Stanehous, and Robert Hammiltoun of Likprevik, for Johnne Somervile, oy to Johnne Somervile of Cambusnethane, that he will not injure the said Johnne Somervile, his "guidsire," Katherene Murray, his spouse, or their bairns, tenants and servants. Subscribed at Stanebyris, Stanehous, and Rutherglen, 27th February 1588, before Robert Hammiltoun, brother to James Hammiltoun of Stanehous, Patrik Somervile in Grent, Williame Murray in Glasfurde, Robert Hammiltoun in Heuchheid, and Johnne Cleland, notary. Page 171.

Band for William Bruce and John Gaw.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of band of caution by Johnne Lindsay of Evelik for Williame Bruce of Rait in 500 merks, and for Johnne Gaw there in 200 merks, that Johnne Cryistie in Abirnyte shall be harmless of them. The band is subscribed upon 10th March 1588, at Evelik, before Johnne Lindsay, Williame Lindsay, Johnne Ramsay, Mr Archibald Allane, by Johnne Lindsay of Evelik, Williame Bruce of Rait, and bears farther that, "at the Kirk of Abirnyte, the day and yeir foirsaid, at command of Johnne Gall abone-written, I, Williame Haitlie, notair, subscrivit this obligatioun, befoir thir witnessis, Mr George Haitlie, his sone, Andro Gowrie, servand to the said Williame, and Gilbert Gill in Lochtoun,"—William Haitlie, notary public, subscribing for the said John Gall, who cannot write. Page 172.

Edinburgh, 14th March.[1]

Caution by George Campbell of Crunane for Archibald Buttir of Gormok

[1] Since Huntly's liberation from Edinburgh Castle a week ago, he had been lingering about Edinburgh, safe in the King's extraordinary affection for him, and indeed meditating the possibility of some stroke by which he and Errol might get the King into their power, upset the Maitland government, establish a new government in the Spanish interest, and so bring on a war with England. Errol all the while, though skulking, was not far off, and the King had only to give the signal for his reappearance to co-operate with Huntly. But, though James would do much for his favourate Huntly, he would not adopt his present political counsels, but kept faithful to his Chancellor and the English alliance. Huntly, therefore, made up his mind to leave Edinburgh. That he might do so in a manner to convince the Edinburgh people that he and the King were still on perfectly good terms, he had arranged a farewell "bankett for the King and nobility in Jonet Fockhart's hous." The present day, March 14, seems to have been the day fixed for the banquet; and Calderwood's account of the occurrences of the day is very extraordinary. "The King," he says, "went out to the hunting with Huntlie, *where Erroll mett with him also in the feilds.* After some conference they both departed, and the King returned to the prepared dinner without Huntlie his oast, who invited him; for Huntley had beene informed that the toun was in armes. . . . Before Huntlie and Erroll parted from the King, *they desired him to goe with them.* He refused, and threatned, if they attempted anie suche thing against his heart, they suld never have his heart, and if ever he find his time to be revenged" (v. 37). Calderwood's account is confirmed in all particulars by letters sent to London that very day, or within a day or two, by the English agents in Edinburgh.

Acta 1587–89. and Patrik Buttir of Marytoun, in 1000 merks each, and for James Sanders and Johnne Bayne, in 300 merks each, that Thomas Soutair in Chappeltoun, and Williame and James Soutaris, his sons, shall be harmless of the said persons. Caution for Buttar of Gormock, and others.

Caution in 2000 merks by James Cochrane of Ogilface for Patrik Hammiltoun, eldest son and apparent heir of James Hammiltoun of the Peill of Levingstoun, that he will not harm David Dundas of Preistisinche. Edinburgh, 15th March. Caution for Patrick Hamilton.

Caution in 300 merks by Hew Carmichaell, younger of that Ilk, for Richie Bailie, servant to the Lady Ros, that he will not harm Olipheir Sinclair. Edinburgh, 17th March. Caution for Richie Baillie.

Caution in 300 merks by Adam Thomesoun, "ypothecair," burgess of Edinburgh, for Johnne Levingstoun, servant to Mr Alexander Thomesoun, that he will not harm Johnne Cors in Ovir Crawmond. Caution for John Livingstone.

Page 173. Caution by Patrik Hume, younger, of Polwairt, for Andro Hog, of Vicarage Hauch, that he shall pay to Sir James Hume of Coldenknowis, collector-general of the second term's payment of the barons' tax of £40,000, the sum of £6, 13s. 4d. for the second term's payment of his said lands, in case it be found that they extend to a ten merkland. Edinburgh, 18th March. Caution for Andrew Hog.

Caution by Johnne Symontoun, elder, of that Ilk, and Johnne Hammiltoun, apparent of Prestoun, for Johnne Somervile, oy to Johnne Somervile of Cambusnethane, that the said Johnne, younger, shall satisfy his said "guidschir" for any injuries, reiffs, or oppressions committed by him upon the said Johnne, elder,—Sir James Hammiltoun of Libbertoun becoming cautioner in relief. Edinburgh, 19th March. Caution for John Somerville.

Sederunt—Angus; Cancellarius; Mortoun; Altrie; Thesaurarius; Neubottle; Clericus Registri; Computorum Rotulator; Collector; Willelmus Keith; Murdocairny. Holyroodhouse, 21st March

Frances, Earl of Erroll, having failed to answer to the former charge and summons (*ante*, p. 341), the Lords ordain him to be denounced rebel. They ordain Petir Hay of Meginche to be denounced for the same reason. To denounce the Earl of Errol and Hay of Megginch.

Page 174. Complaint by David Moysie, writer, as follows:—In September last he had directed Johnne Fisheair, sheriff in that part, to execute a precept he had obtained from the commissaries of Edinburgh against Michaell Chatto in Kelso for the production before them of an inventory of the goods of the late Issobell Davidsoun, his mother's sister. But, "immediatlie eftir the executioun of the said precept," the said Michaell had compelled the said officer to "pas with him to the baksyde of the yairdis of the toun of Kelso, quhair, in ane desert and quiet place, he not onlie maist cruellie and unmercifullie straik and dang the said Johnne, and gave him mony bauch and bla straikis in his heid, armes, bak and divers utheris pairtis of his To denounce Michael Chatto and John Davidson for not answering a charge of deforcement.

body, and left him lyand for deid, bot alswa reft the said precept fra him, deforceit him in the executioun of his said office, and, eftir mony disdanefull and injurious speichis used aganis the said complenair, bosted and avowed to have his lyffe gif he insist forder in his persute." Further, the said complainer having begun action against the said Michaell before the commissary of Lauder, and having "obtenit his caus to probatioun and summond certane witnessis to prove the same," and these witnesses "repairing laitlie, upoun the xiii day of Februar instant, to the toun of Lauder for that effect," the said Michaell, accompanied by Johnne Davidsoun in Dennerleis, called "Shorte Jok," his good-brother, and certain others, "bosted and minassed the saidis witnessis, avowing, giff thay deponit ony way in his contrair or prejudice, to be revengit on thame," so that "the saidis witnessis, being simple men, durst not serve thair awne conscience, nor depone the treuth in the said caus." Not only so, but "immediatlie thaireftir" the same persons "sercheit and socht Timothie Frank, the said complenaris procurator, at his faderis dwelling hous within the toun of Lauder, for his bodilie harme and slauchter, and, eftir mony injurious and contumelious speichis usit baith aganis him and the said complenair, avowit oppinlie that, gif thay wer thair present, thay suld move thame ather to leave thair sute, or bereve thame of thair lyveis."—The complainer appearing personally, Michaell Chatto and Johnne Davidsoun, failing to appear, are to be denounced rebels. Acta 1587–89.

Graham of Fintry summoned.

Order to charge [David] Grahame of Fintrey, personally if he can be found, and, if not, at his dwelling place of and by open proclamation at the market crosses of Dundee and , to appear before the King and Council at Haliruidhous upon the third day after the charge, on pain of rebellion, to answer "tuicheing the lait practize tending to the subversioun of the present religioun and perelling of our Soverane Lordis persone and estate."

Edinburgh, 22nd March. Caution for William Forrester.

Caution in £500 by Williame Forrestair in Leith, as principal, and George Gib, bailie of Newhavin, and Williame Wod, portioner of Bonnytoun, as sureties for him, that Johnne Calder, Bute pursuivant, shall be harmless of the said principal. Page 176.

Edinburgh, 24th March. Caution for Scott of Abbotshall. Caution for Hamilton of Sanquhar.

Caution in £1000 by Williame Scott of Abbotishall, as principal, and James, Master of Lindsay, as surety for him, that Williame, Commendator of Pettinweyme, shall be harmless of the said Williame.

Registration, by Mr Thomas Craig, advocate, as procurator for Robert Shaw of Mainholme, of band of caution in 1000 merks by the said Robert for the "richt honnourable" Williame Hammiltoun of Sanquhair, that Johnne Stewart of Halrig shall be harmless of the said Williame, "eftir the forme and tennour" of the King's letters of lawburrows obtained by the said Johnne by deliverance of the Lords of Secret Council. The obligation is subscribed at Air, 21st March 1588, before Williame Neilsoun in Clone, Williame Hammiltoun, indweller in Air, Johnne M°Nedair, notary, and Johnne Masoun, notary. Page 177.

Acta 1587-89

Sederunt—Cancellarius; Mortoun; Thesaurarius; Coldenknowis; Murdocairny; Magister Petrus Young. Holyrood-house, 26th March, 1589.

Complaint by James Dunbar of Tarbart, as follows:—"Thair being ane tryist and meting appointit be him and George Ros, youngair of Balnagowne, anent the visiting of certane marcheis and dykis questionable betuix thame, biggit be the said George upoun the said complenaris landis of Kindeis, he at the day appointed for the said tryist, quhilk wes upoun the sevint day of September instant, come in peceable and quiet maner, without armour, agaitward to the saidis landis of Kindeis, lippynning for na thing les then ony extraordinair forme of usage of the said George, bot that the materis questionable betuix thame suld have bene freindlie ressonit, composit and aggreit, and that thay suld have continewit in mutuall freindship, amytie and gude nychtbourheid. Nevirtheles, fer by his expectatioun, the said George directit ane message to the said complenair, prohibiting him to cum fordwart to the said tryist, bot upoun the hasard of his lyffe. Yit he, nawayes suspecting ony harme or injurie to have bene intendit or meaned aganis him be the said George, bot hoiping that his message had procedit frome sum utheris personis without the said George previtie or knawlege, come fordwart to him: at quhilk tyme he himselff maist injuriouslie and maliciouslie presentit ane pistolett to the said complenair, of intentioun to have slane him thairwith, quhilk he had not faillit to have done, wer not, be the providence of God, the pistollett misgave; and, eftir the uttering of divers uncumelie and injurious speichis aganis the said complenair, he moved him to returne. And continuallie sensyne the said George molestis and troublis the said complenaris tennentis and servandis in the possessioun of the landis foirsaidis, not omitting the persute of the said complenaris selff be way of deid for his bodilie harme and slauchter: quhilk persute albeit the said complenair micht nocht onlie withstand or resist, bot repair the same with the like or greitair giff he suld entir in the like laules forme of procedingis aganis the said George, yit, for the reverence he beiris to our authoritie and lawis, he hes foirborne to do the same."—The complainer appearing personally, Ross, for failing to appear, is to be denounced rebel. Order to denounce George Ross, younger of Balnagowan.

Caution by Robert Moubra, fiar of Barnbougall, as principal, and Hary Shaw, brother of James Shaw of Sauquhy, as surety for him, that the said Robert shall pay to Johnne Moubra of Bernbougall, his father, such sums as he shall be found owing for said John's relief of his part of the first, second, and third terms' payment of the barons' tax of £40,000. Caution for Moubray, fiar of Barnbougle.

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Registration, by Mr Umphra Bleinseilly, as procurator for Hary Stewart of Cragyhall, of a band of caution by the said Hary for Andro Barcar, miller at the Mylne of Crawmond Regis, Johnne Barcar in Upcragy, Johnne Barcar and Johnne Barcar, his sons, Abraham Barcar in Edinburgh, also his son, Thomas Barcar, son of Andro, Anthone Barcar in Crawmond, Robert Barcar, his son, and Robert Donnaldsoun, baxter, burgess of Edinburgh, in Edinburgh, 27th March. Band for Andrew Barke and others.

300 merks each, that Johnne Cors in Crawmond, his wife, bairns, tenants and servants, shall be harmless of the said persons. Subscribed at Cragyhall, 25th March 1589, before Walter Stewart, Allane Stewart, James Likie, and Johnne Cors, notary public. Acta 1587–89.

Edinburgh, 28th March. Caution for George Ross.

Caution in £500 by Hucheoun Ros of Tollie (? Towy) for George Ros, younger of Balnagowne, that he shall appear before the Council upon 18th May next to answer the complaint of James Dunbar of Tarbert.

Band for Andrew Bannatyne and Thomas Cathcart.

Registration by Mr Edmond Hay, advocate, as procurator for Johnne Cathcart of Carltoun, of a band of caution by the said Johnne for Andro Bannatyne in Ballanchoul, and Thomas Cathcart of Thomastoun, the surety's brother, in 300 merks each, that Alexander Boyd, vicar of Girvane, and Robert Boyd of Badinhaith, his factor, their tenants and servants, shall be harmless of the said persons,—Mr Thomas Craig, advocate, and Robert Craig, his brother, having been appoined procurators for registering the obligation in the books of Secret Council. Subscribed at Mayboill, 25th March 1589, before Patrik M^{c}kie in Pulgoune, Moreis M^{c}inure in Drummorrane, "deane" Gilbert Kennedy, monk in Crocerag-uell, and Gilbert M^{c}fadzeane, messenger,—James Ros, notary public, subscribing for the said Andro Bannatyne, who cannot write. Page 179.

Edinburgh, 29th March. Caution for Lord Boyd.

Caution in £1000 by James Boyd of the Kippis for Robert, Lord Boyd, that he will not harm George Cunynghame in the Rawis of Grugar.

Edinburgh, 30th March. Caution for John Shaw.

Caution in £2000 by Johnne Schaw of Broich, as principal, and James Shaw of Sauqwhy, as surety for him, that the said principal shall keep ward in Edinburgh till 24th April next.

Caution for Patrick Mackcalyean and his wife.

Caution by Patrik Macaklzeane of Cliftounhall, as principal, and Archibald Ramsay, merchant, burgess of Edinburgh, as surety for him, and for Eufame M^{c}calyeane, his spouse, that the said Patrik and Eufame shall pay to Johnne Moubra of Bernbougall the sum of £3 for every pound-land of Littill Barnbougall, "comptand the same to ane fourty schilling land," as for the said John's relief of the first, second, and third terms' payment of the barons' tax of £40,000, in case he be found owing.

Holyrood-house, 3d April. Commission for the trial of the troubles lately fallen out in St Andrews.

Considering "the grite troublis, divisioun and dissentioun quhilk hes laitlie fallin oute betuix certane of the memberis of the Universitie of Sanctandrois and sum uthiris inhabitantis of the said Citie, quhairupoun slauchter and bluidshed hes followit, and divers uthir grite inconvenientis liklie to ensew, to the uttir ruyne and decay of the said Universitie, gif the samin schisme and divisioun be sufferit to continew," the King, with advice of his Council, "to the effect the said Universitie may flurishe in all guid letters and ane perfyte unioun and concord may be establissit betuix the said Citie and Universitie in all tyme cuming," grants commission to Andro, Earl of Rothes, sheriff of Fyffe, Williame, Earl of Mortoun, Mr Williame Lundy of that Ilk, Andro Murray of Arnegosk, Mr David Page 180.

Acta 1587–89. Carnegy of Culluthy, David Wemys of Logy, James Melvill of Halhill, Mr Johnne Lindsay, parson of Menmure, Mr Robert Bruce, minister, and Johnne Johnnstoun, brother of the Laird of Elphingstoun, or any three of them, to convene at Sanctandrois upon 15th April instant and to take trial, "be the maist honnest, auncient and famous men baith to land and to burgh," of the causes of the said controversies, "and specialie the caus, ground and fontane of the said lait trouble quhairupoun the said slauchter and bluidshed hes procedit." They are to call before them the authors of the troubles and examine them upon the "haill groundis, factis, occasionis and circumstanceis thereof"; they are to cause both parties in the meantime to find mutual assurances; they are to take such further order as may be suitable; and they are to report to the Council by , and give their "trew and solide avise to his Majestie for pacifeing of the saidis troublis and establissing perpetuall peace and quietnes betuix the said Citie and Universitie." Proclamation hereof is ordered at the market cross of Sanctandrois and at other fit places.

Caution for Whiteford of that Ilk.

Caution in 1000 merks by Williame Banerman of Cragy (Craig) for Adame Quhytefurde, younger of that Ilk, that he will not injure Margaret Maxwell in Englistoun, relict of Andro Martine, her bairns, tenants or servants.

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Edinburgh, 4th April. Caution for John Paterson of Caverhill.

Caution by Williame Stewart of Caverstoun for Johnne Patersoun of Caverhill, that he shall pay to Sir Johnne Cranstoun of that Ilk the "haill sowme quhairunto the bill of Schir Johnne Selbeyis, Englishman, fyllit on Adie Ruthirfurd of Coithauch and certane uthiris his steilfellowis, is sworne, and to fulfill all utheris thingis undone in this mater, incais, eftir just tryale thairin, it salbe found that he aucht to do the same."

Edinburgh, 5th April. Caution for Patrick Wood of Bonnytoun.

Caution by Robert Abircrumby, saddler, burgess of Edinburgh, for Patrik Wode of Bonnytoun, that he shall pay to Gilbert Guthree, messenger, or Alexander Irwing of Drum, collector of the first term's payment of the barons' tax of £40,000 in Abirdeneshire, the sum of £6 for his lands of Wester Birnes, extending to six poundland, in case he ought to do so.

Edinburgh, 7th April. Proclamation of a muster round his Majesty at Edinburgh for the suppression of treasonable practices.

The King being "credibillie advertissit that thair is bandis, practizes, conspiraceis, conventiclis, convocationis of men in armes, in sindrie pairtis of his realme, without his Hienes previtie or allowance (quhatsoevir hes bene spokin or reportit in the contrair), for sum interprises appeirandlie moved aganis the trew religioun, and to the dangeir and inquieting of his Hienes persone and estate, pretending his Hienes name to cloik thair unlauchfull doingis, and to draw the legis the rather to follow thame," it is now thought convenient "that his Majestie be accumpanyit with a force of his faithfull and loyall subjectis, alsweill to withstand all sic invasionis as may be attempted as to repres the insolence of the movaris of the said disordour and thair fellowaris"; and proclamation is therefore ordered at the market crosses of Edinburgh, Hadingtoun, Duns, Jedburgh, Selkirk,

Peblis, Air, Irwing, Lanerk, Renfrew, Dunbartane, Striviling, Lynlythgow, Clakmannane, Kinros, Coupar, Perth, Forfair and Kincardin, charging the fencibles, between sixty and sixteen years of age, within the shires of Edinburgh, Hadingtoun, Beruik, Roxburgh, Selkirk, Peblis, Air, Irwing, Lanerk, Renfrew, Dunbartane, Striviling, Lynlythgow, Clakmannane, Kinros, Fyff, Perth, stewartries of Stratharne and Menteith, bailiaries of Kyle, Carrik and Cunynghame, and shires of Forfair and Kincardin, to repair, "weill bodin in weirlike maner with speiris and hacquebutis," to his Majesty at Edinburgh as soon as possible, prepared to remain with the King as long as "the necessitie of the service sall require," under pain of loss of life, lands and goods. Peaceable subjects are enjoined not to join or intercommune with the "makaris of the saidis troublis and convocationis," under pain of being "punissit and demanit as inemeyis to his Hienes and the commounweill of this thair native cuntrey"; and, "to the effect that all his affectionat and loving subjectis may repair to his service without excuse or subterfuge," the King discharges all licenses granted to any for their "command, remaning and abyding fra his Hienes oistis, weiris and raidis."[1] Acta 1587–89. Page 182.

Charge to the Earl of Errol to render certain castles.

Order to officers of arms to Frances, Earl of Erroll, and all keepers of his castles of Slanes and Logyalmond, to render and deliver the same to the executioners of this charge within six hours thereafter, under pain of treason.

Band for Sir John Gordon of Lochinvar.

Registration, by Mr Robert Lintoun, advocate, as procurator for the parties, of a band of caution in £2000 by Williame M'Culloch of Mertoun for Sir Johnne Gordoun of Lochinvar, that he will not harm Edward Maxwell, fiar of Lamingtoun. Subscribed, 1st March 1588, before Gawine Dunbar of Baldune, Johnne Glendoning, younger of Drumrashe, Williame Gordoun and James Gordoun, servants to the Laird of Lochinvar.

Edinburgh, 8th April.

Order to denounce Preston of Craigmillar and Wauchope of Niddry.

David Prestoun of Craigmillar, Wauchop of Nudry, elder, and Archibald

[1] As this entry indicates, the movement of Huntly, Errol, Crawford, and the other Roman Catholic lords, in conjunction with Bothwell, Montrose, and other Protestant malcontents, was ripening to a crisis. Since the parting of Huntly and Errol from the King three weeks before (*ante*, p. 366, footnote), these two noblemen had been north of the Firth of Forth, levying forces, while Bothwell had been hovering with armed men between the Borders and Edinburgh, and Montrose had been at his cousin's house of the Halyards, near Edinburgh, and eagerly on the watch. The plan seems to have been for Bothwell and the other conspirators about Edinburgh to make some bold stroke still for the capture of the King, even if Chancellor Maitland should have to be slain in the attempt, and then for Huntly and the other northern conspirators to come south with their forces to complete the revolution. The King meanwhile had remained in or close to Edinburgh, generally in the Chancellor's lodgings or at his side in Holyrood, "very melancholy," and very unwilling to take severe measures against Huntly in particular. At length the obviousness of his danger and the persevering remonstrances and encouragements of the Chancellor had roused him. No time was to be lost; for Huntly, Errol, and Crawford were in open insurrection at Aberdeen, and had issued proclamations thence in the King's name, "declaring that he was held captive and forced against his mind to use his nobles more rigorously than he desired, requiring all the lieges to concur and assist them for setting his person at liberty." Hence the present order and its peculiar wording. The King was to take the field against Huntly and the northern rebels first, and to deal afterwards with Bothwell and the conspirators in the south. (See Spotswood, p. 374; Calderwood, v. 54; and English State Papers relating to Scotland, pp. 557, 558.)

Acta 1587–89. Wauchop, his son and apparent heir, having failed to appear, as charged, "to have underlyne sic ordour as suld be tane for the commounweill and quietness of the cuntrey in tyme cuming," are to be denounced rebels.

Page 183. Registration, by Mr Johnne Prestoun, advocate, as procurator for Thomas Cuming of Altir, of a band of caution by the said Thomas for Thomas Hay in Edenveill, James Hay, his son, Williame Cuming in Presley, Alexander Cuming in the Miltoun of Tullidewy, Alexander Cuming in the Mylntoun of Tullidewy, Michaell Cuming there, James Hay in Altir, Johnne Cuke in Cauldmyre, Andro Henry in Stronowech, Patrik Lie in Drummyne, Edward Cuming in Tullidewy, Patrik Taillior, Alexander Cuming in Outlawell, James Cuming, his son, there, Johnne Cuming, *alias* Johnne Cuming Our, in Presley, and Patrik Cuming in Drummyd, that Patrik Dunbar of Boighoill, his tenants and servants, shall be harmless of the said persons, under the pains contained in the letters raised by the said Patrik thereanent. Subscribed at Altir, 4th April, before Williame Creichtoun, servitor to my Lord of Urquhart, Thomas Hay, James Hay and Adam Cuming, "my servitouris," Williame Gibsoun of , Alexander Annand, burgess of Elgin, Johnne Annand of Murestoun, and Johnne Annand. Edinburgh, 9th April. Caution for Thomas Hay and others.

The following persons,—viz. Johnne Ker of Hirsell, Andro Ker of Greneheid, James Ker of Corbethous, Mr Walter Lindsay of Haltoun, Francis, Earl Bothuill, Hary Stewart of Cragyhall, David, Earl of Craufurd, Johnne, Earl of Montrois, Grahame of Fintrey, George, Earl of Huntley, Francis, Earl of Erroll, Johnne Lindsay of Ballinsho, Gardin of that Ilk, Andro Oliver of Gagy, David Dempstair, Mathew Dempstair, and Johnne Chalmers, indwellers of Brechin, Gordoun of Auchindoun, Gordoun of Gycht, Gordoun of Cluny, Gordoun of the Craig of Auchindoir, Gordoun of Dalpersie, Gordoun of Crechie, Gordoun of Kincragy, of Straithmartine, Betoun, younger of Melgund, Cristell Creichtoun in Bainsho, Alexander Lindsay of Kethik, Johnne Lindsay, son of Lindsay of Evilik, Lindsay, son to David Lindsay of Barneyairdis, Wolum, son of David Wolum of Wodwra, Rynd, son to Rynd of Kers, Johnne Chalmer of Balbichane, Mr Williame Chalmer and Charlis Chalmer, his brothers, —"castand of thair dew obedience," have "tressonablie maid bandis, kepit conventiclis and unlauchfull assembleis," and at last, assisted by their tenants and servants, have "takin armes and cum to the feildis aganis his Hienes and his authoritie, awaitand to putt thair tressonable interprises in executioun gif thay be not spedilie repressit." It is ordered, therefore, that a herald, macer, or other officer of arms, shall charge the said persons, each of them, and all keepers of their houses and fortalices, to deliver the same to the executioners of the said charge, within six hours after being commanded, under the pain of treason.[1] Edinburgh, 10th April. Charge to the Earls of Huntly, Bothwell, Errol, Crawford, Montrose, and a number of others in arms against the King, to surrender their castles.

1 On the day of this order, nominally by the Council at Edinburgh, the King was at Linlithgow, with a small force of horse about him, waiting for the muster ordered three

Aberdeen, 24th April.[1] Caution for Andrew and George Harvie.

Caution in 5000 merks by James Cheyne of Straloch for Andro Harvy of Elrig, and Mr George Harvy, his brother, that they shall appear when required, upon six days' warning, and "undirly tryale anent sic thingis as salbe laid to thair charge." Acta 1587-89. Page 184.

Aberdeen, 28th April. Caution for George Farquharson.

Caution to the same effect in 500 merks by Johnne Wisheart of Pittarro for George Ferquharsoun in Descorry, the appearance to be on 15 days' warning.

To denounce Lindsay of Halton.

Mr Walter Lindsay of Haltoun, having failed to appear and answer for concern in treasonable bands and conventicles, and for having at last "takin armes and cum to the feildis aganis his Majestie and his authoritie," is to be denounced rebel.

Caution for Mackintosh of Dunachtoun.

Caution in 10,000 merks by Alexander Irwing of Drum for Lauchlane M°Intoshe of Dunnauchtane, that he shall enter before the Council, upon 20th May next, his brother, Williame M°kintoshe, as pledge for good rule to be kept by the said Lauchlane and those for whom he is bound by the general band.—Deleted by a warrant signed by the King and the Chancellor at Haliruidhous, 10th February 1590.

Caution for James Mackintosh.

Caution in £5000 by Ogilvy of Finlettir and Johnne Grant of Frewchy for James M°Intoshe, *alias* Glas, that he shall enter Lauchlane M°Intoshe, his son, the said day, as pledge for him and his, according to the former conditions. Page 185.

Caution for John Grant of Freuchy.

Caution in 10,000 merks by said Irwing and Ogilvy for Grant of Frewchy, that he shall enter Patrik Grant, his brother, upon the said day as pledge for him and his.—Deleted by a warrant the same as in entry before last.

Caution for John, Master of Forbes.

Caution to the same effect in £10,000 by Banerman of Wattirtoun, Alexander Burnatt of Leyis, and James Forbes of Carsindae, for Johnne, Master of Forbes, that he shall enter as pledge Johnne Forbes, his second son.—Deleted by a warrant dated at [left blank].

days before (*ante*, p. 371), that he might begin his march to the north, with Lord Hamilton and the Earl of Angus as chief in command under him.

[1] In the interval of a fortnight between this entry and the last, the King's march to the north had proved a perfect success. The particulars are given in the following excellent summary by Calderwood (v. 55):—"Huntlie, Erroll, Crawford, Bothwell, Montrose and their forces, were conveened at Perth. The King's forces increasse. He goeth by Stirline to Perth. The lords being departed out of Perth, he went with 2000 men or thereby to Dundie, and from thence to Brechin ; the next day to Cowie [a village a few miles south of Aberdeen]. His number decreassed. He resolved, betweene Brechin and Cowie, to ly that night in the campe, but he rested in Charles Mowat's hous. When the King came to Cowie, the Erles Huntlie, Crawfurd, and Erroll came from Aberdeene to the Bridge of Dee, accompanied with 3000 men, and resolved to fight. The King was skarse accompanied with 1000 ; yitt feare seazed upon the most part of Huntlie's factioun when they heard the King was in persoun in the feilds. Huntlie had manie to beleive that he had a commissioun for gathering his forces. Erroll would have foughten ; Huntlie feared. Manie of the barons of the north left them. Some came in to the King betweene Cowie and Aberdeene. The King came to Aberdeene upon the 20th of Aprile."—There had been, in fact, a complete collapse of the rebellion, though the chief rebels were still at large.

Acta 1587–89. Caution in £20,000 by Alexander, Lord Hume, for Patrik, Master of Gray, that he shall either "giff the confessioun of his faith, subscrive the articles of religioun, and reconceill himselff to the Kirk and ministerie thairof," within 40 days after his arrival in this realm, or shall go abroad again within the same space and not return without the King's special licence. Caution for Patrick, Master of Gray.

The King, with advice of his Council, "for eschewing of disordour and confusioun in the dispositioun of sic casualteis as ar alreddy fallin, or that heireftir sall fall and becum in his Hienes handis, be the lait defectioun of certane noblemen, thair assistaris and pairttakaris, frome his Majesteis obedience," resolves that no part of their escheat goods shall be disponed, or promise of disposition of their lands be made, till the said goods shall come into the King's hands by horning, and the said lands by forfaltour; at which time the said lands and goods shall be granted only to such persons "as sall maist avance his Hienes proffite, or that uthirwayes hes best deservit," such grants to be by the advice always of the Treasurer and Treasurer-depute, with the Chancellor, Privy Seal, Collector, Lord Altrie, Coldenknowis, or any three of these last five so conjoined with the Treasurer and Treasurer-depute "in the making of the compositionis of the saidis giftis and dispositionis and in taking ordour that na thing pas confusedlie." Act anent the future disposition of the casualties fallen or to fall to the King in consequence of the "lait defectioun."

Page 205. Supplication by Jonnett Leslie, daughter of the late Johnne Leslie of Cultis, as follows:—Her late father having assigned to Johnne Leslie of Boquhane the tack of the teinds of the lands of Baachartie, Drumdurno, Pitodrie, Knokinglis, Pittscurey, and certain other lands, the said assignee had bound himself to pay to her father the sum of 2600 merks; which sum her father in his latter will and testament had disponed to her as her bairns' part and for her tocher. "For the quhilk sensyne sho hes persewit the said Johnne, and hes him presentlie undir dangeir of hoirning for non-payment of the said sowme; and now, seing he is culpable of the lait tressonable insurrectioun and rebellioun movit aganis his Majestie, quhairby his lyff, landis and guidis is fallin and becumin in his Hienes handis, scho is movit maist humelie to crave of his Majestie that, be act and ordinance of Counsall, his Hienes declaratour may be past and gevin" as underwritten.—The Lords decern that whatever sentence shall be passed upon the said Johnne shall not prejudice the petitioner, but that she shall be paid "of the first and reddiest of his guidis and geir." Aberdeen, 29th April. Act securing to Janet Leslie 2600 merks out of the estate of John Leslie of Boquhane.

Page 185. "The Kingis Majestie and Lordis of Secreit Counsall considdering how that a grite nowmer of Jesuittis, seminarie preistis and papistis of all sortis, professit inemeyis to God and all Christeane governament, haif oft and divers tymes, and cheiflie of lait, maid bandis, kepit conventiclis and unlauchfull assembleis, and how the same papistis and utheris now at last, and cheiflie George, Earl of Huntley, Frances, Earl of Erroll, thair assistaris, pairttakaris and utheris steirit up be thame, hes cum to the feildis with Aberdeen, 30th April. Bands ordained to be made and subscribed by the faithfulsubjects, in defence of the true religion and of the King's Government

against the Roman Catholic conspiracy of which the Earls of Huntly and Errol are chiefs.

oppin and plane force, and displayit baner for the persute, ruting-oute and exterminioun of his Majestie, and all uthiris his gude and loving subjectis, trew professouris of the evangell (howsoevir uthirwayes hes bene spokin), —thay takand the greitar bauldnes heirunto be ressoun of his Majesteis lenitie and ouersycht grantit to thame in tymes past, in hoip of thair conversioun and amendment; bot now his Hienes and his said Counsall finding thair hairtis swa indurit that nather aithis, promissis, avowis, subscriptionis, bandis, gude deidis, honnour, nor promotioun, can move thame to feir God, nor leif in ease undir his Majesteis obedience, bot that wilfullie, aganis God, thair honnour, dewitie and conscience, thay will still insist in rasing of seditioun, insurrectioun, and all kynd of mischeiff within his Hienes realme, to the subversioun of the trew religioun and perelling of his persone and estate: his Majestie, thairfoir, as ane godlie and zealous prince, cairfull baith of the ane and the uthir, with advise of the saidis Lordis of Secreit Counsall, ordanis bandis to be maid and subscryvit be his Hienes and all the noblemen, baronis, and utheris trew professouris of the treuth, his Hienes gude and loving subjectis, alsweill for the defens and suretie of the said trew religioun, his Hienes persone and estate thairwith conjoynit, and concurring of ilkane with uthir to the same effect, as for persute and repressing of the insolence of the saidis Jesuittis, papistis of all sortis, thair assistaris and pairttakaris particularlie abonementionat, and utheris quhatsumevir, professit inemeyis to God and his Majestie, with fyre, swerd and all kynd of extremitie, ay and quhill thay be ather reduceit to the acknawlegeing of thair dewitie to God and his Majestie, find souirtie for thair gude behaviour in tyme cuming, or than that thay be apprehendit and punist according to thair demerittis, or uthirwayes utterlie expellit furth of this realme, boundis and dominionis thairof, to the conforte and ease of his Majestie, his realme, and all the faithfull." Acta 1587-89 Page 186.

Band at Aberdeen in defence of the true religion and of his Majesty's Government: Names of subscribers.

Begins "We, the noblemen, baronis, and uthiris undersubscryvand, be the Kingis Majestie oure Soverane Lordis speciall and expres directioun and commandiment, past be act and ordinance of his Hienes Counsall"; recites the immediately preceding Act to the words "his Hienes persone and estate"; and then proceeds:—"We, thairfoir, in the feir of God and according to our bundin dewitie and allegeance, promittis faithfullie to concur and tak ane efauld, leill and trew pairt togidder, alsweill for the defens and suretie of the said trew religioun, his Hienes persone and estate thairwith conjonit, as for persute of the saidis Jesuittis, papistis of all sortis, thair assistaris and pairttakaris particularlie abonementionat and uthiris quhatsumevir, professit inemeyis to God and his Majestie, with fyre, swerd and all kynd of hostilitie, ay and quhill [the rest of the sentence verbatim as in the last lines of the preceding Act]. And, for this effect, We sall at all tymes, as we salbe warnit be proclamatioun, missive letters or uthirwayes as the necessitie sall require, ryse, tak armes, and pas fordwart with his Majestie, his lieutennentis, or utheris haveing his Hienes pouer and commissioun, at all occasionis, and sall nevir shrink thairfra, nor for ony particulair caus or querrell amangis oureselffis, nather sall we conceill the harme

Acta 1587-89. or skaith of utheris, bot disclose and impede the same to our uttir poueris. The querrell and persute of us or ony of us for this caus we sall esteme, like as presentlie we do esteme, equallie to us all, and be oureselffis and our haill forceis sall concur and assist togidder, ilkane in defens of utheris, to oure uttir pouer. We sall nocht ryde, assist, tak armes, ressett, supplee, nor grant meit, drink, house nor harbory to the saidis Erllis [Huntley and Erroll], Jesuitis, papistis, and uthiris inemeyis to God and his Majestie during thair rebellioun and dissobedience, bot salbe reddy at all tymes to hasaird oure lyveis, landis and guidis, in the defens of the said trew religioun,

Page 187. his Hienes persone and estate, and quieting of the cuntrey, as we sall ansuer to God and to his Majestie upoun our allegeance and obedience, and undir the pane of tuenty thowsand pundis to be upliftit of the pairtie failyeair or doing in the contrair, and forder to be comptit faithles, perjurit, and nocht worthy to brouke office, honnour nor estimatioun, in tyme cuming, besydis the ordinair panes of the lawis to be execute upoun us in signne of oure defectioun frome God, his Hienes, and his authoritie.—In witnes quhairof his Majestie, in taikin of his allowance of the premissis and commandiment gevin to us in maner foirsaid, hes subscrivit thir presentis with us, at Abirdene the last day of Aprile, the yeir of God j^{m}v^{c}lxxx nyne yeir. Sic subscribitur: JAMES R.; Johnne, Mr of Forbes; Saltoun; Findlettir; Williame Leslie of Wardres; James M^{c}Intoshe, *alias* Glas, in Gask, with my hand at the pen—J. Andro; Angus M^{c}Intoshe, *alias* Williamsoun, of Termett, with my hand at the pen—J. Andro; J. Cheyne of Straloch; Mr Thomas Menzeis of Durne; Williame Udny of that Ilk; Patrik Leith of Hairthill; Andro Reid, fear of Collestoun; Andro Fraser of ; Alexander Cuming of Cultis; Thomas Cuming of Altir; David Dunbar of Durris; Williame Rose, appeirand of Kilrawak; Williame Dunbar of Stoudwis; Waltir Kynnard of Cubin; Robert Innes of that Ilk; George Ogilvy; Patrik Cheyne of Essilmont; Alexander Gardin of Blakfurde; Lauchlane M^{c}Intoshe of Dunnauchtane; Duncane Leslie of Pitcaple; Alexander Irwing of Drum; Pitlurg, knycht; Alexander Frasair; Abirzeldy; Alexander Gordoun; Williame Forbes of ; George Banerman of Wattirtoun; George Gordoun of Lesmoir; Williame Cheyne off Arnage; Frendraucht, knycht; Andro Meldrum of Drumbrek; James Gordoun of Haddo; Johnne Erskin, fear of Balhagardie; Williame Forbes of Cors; James Mortymer, fear of Cragyvar; J. Burnett of Leyis; George Gordoun of Banhore; James Stewart of Ryland; Johnne Campbell of Calder; Johnne Grant of Frewquhy; Patrik Barclay of Towy; Williame Forbes of Cliftoun; J. F. of Echt; George Johnnstoun of that Ilk; Johnne Ross of Ballivat; W. Suthirland of Duffus; George Ros of Balnagowne; Johnne Ros, provest of Narne; Williame Ferquharsoun of Killeour; Nicolas Dunbar of Bogis, for myselff and as ane of the baillies of Fores; Thomas Urquhart, baillie of Fores for the tyme; Alexander Innes of Coxtun; Williame Hay of Mayne; Mr Hectour Monro, appeirand of Foullis; Thomas Hay, ane of the baillies of Elgin; James Dunbar of Tarbart; Patrik Dunbar of Boghoill; Johnne

Cuming of Eirnisyde; Johnne Dunbar of Moynes; Rory M°ckanzie; Alexander Innes of Innerbraky, with my hand; Williame Drumbrek; Johnne Irwing; David Hay in Peneik; Williame Tulloch, burges of Narne, presentlie baillie; Patrik Dunbar in Dyk; Archibald Grant in Balnavin." Acta 1587–89.

Cautions for the loyalty of a number of "northland men": List of the principals and their sureties.

Caution, in the sums following, by the following principals and sureties for them, that the said principals shall "attempt nathing in hurte or prejudice of his Majestie, his authoritie, the present estate, realme and legis, nor the religioun presentlie professit within the same," nor yet intercommune or hold intelligence with his Majesty's "rebellious and unnaturall subjectis in thair tressonable practizes and conspiraceis aganis his Hienes and his authoritie," but shall assist in pursuit of them when required, and that the said principals shall, when charged, appear before the King and Council upon eight days' warning, or before the Justice in the tolbooth of Edinburgh upon fifteen days' warning. The principals, sureties, and penalties are as follows:—Williame Udny of that Ilk, principal, with Johnne Gordoun of Newtoun, surety, 5000 merks; Johnne Mortymer of Cragyvair, principal, with James Mortymer, fiar thereof, surety, 3000 merks; Johnne Gordoun of Newtoun, with Gordoun, younger of Lesmoir, £5000; George Gordoun of Lesmoir, with Johnne Gordoun of Newtoun, 10,000 merks; Mr Williame Leslie of Warthill, with James Arbuthnot of Lentushe, 3000 merks; Andro Harvy of Alrik, with J. Cheyne of Straloch, 3000 merks; Mr George Harvy, with the said Andro, his brother, 2000 merks; Williame Ury of Pitfeichie, with James Gordoun, 2000 merks; Williame Abirnethy of Birneis, with George, Lord Saltoun, 2000 merks; James Gordoun of Haddo, with Alexander Setoun of Meldrum, £5000; Johnne Gordoun of Tulliett, with James Gordoun, 3000 merks; George Setoun of Auchinhuif, with Alexander Setoun of Meldrum, 2000 merks; Johnne Leith, portioner of Edingerak, with Patrik Leith of Hairthill, 2000 merks; Gilbert Leith, portioner of Barnis, with Patrik Leith of Hairthill, 1000 merks; Johnne Leith, portioner of Newtoun, with Patrik Leith of Hairthill, 1000 merks; Patrik Innes of Newbigging, with Williame Leith of Liklieheid, 1000 merks; Alexander Setoun of Meldrum, with James Setoun of Tullibody, 5000 merks; Johnne Setoun of Limfurde with Alexander Setoun of Meldrum, 1000 merks; Williame Setoun of Blair, with Alexander Setoun of Meldrum, 1000 merks; Patrik Leith of Hairthill, with James Gordoun of Sauchin, 2000 merks; Williame King, portioner of Barre, with Alexander Setoun of Meldrum, 1000 merks; Alexander Blakhall, portioner of Barre, with Alexander Setoun of Meldrum, 1000 merks; Williame Setoun of Eister Disblair, with Alexander Setoun of Meldrum, 1000 merks; James Gordoun of Tulliangus, with James Gordoun of Sauchin, 2000 merks; Alexander Gordoun, son of George Gordoun of Lesmoir, with Johnne Gordoun of Newtoun, 2000 merks; Patrik Hay in Ernhill, with Alexander Hay of Ardnatorne, 1000 merks; Johnne Gordoun of Kennerty, with David Gordoun of Knaven, 2000 merks; Patrik Cheyne of Essilmonth, with Patrik Con of Auchry, 5000 merks; James Gordoun of Sauchin, with Williame Ury of Pitfeychie, Page 188.

Acta 1587-89. 2000 merks; George Hay of Ardlathin, with Williame Knowis, portioner of Logyruif, 1000 merks; said Williame Knowis, with said George Hay, 1000 merks; Andro Burnett of Eister Camfell, with Mr Thomas Burnat, portioner of Curmoir, 1000 merks; Mr Thomas Burnatt, portioner of Curmoir, with said Andro Burnat, 1000 merks; Patrik Gordoun of Barrak, with James Gordoun of Haddo, 1000 merks; Williame Leith of Liklieheid, with Alexander Gordoun, apparent of Lesmoir, 2000 merks; Alexander Buchane of Auchmacoy, with David Gordoun of Knaven, 2000 merks; Mr Johnne Duff of Maldavatt, with Sir Walter Ogilvy of Findlattir, 2000 merks; Mr Williame Annand of Collihill, with Johnne Setoun of Limfurde, 1000 merks; George Mortymer, apparent of Auchinbady, with Thomas Colpland of Fairfauldis, 1000 merks; said Thomas Copland, with George Mortimer, apparent of Auchinbady, 1000 merks; Walter Currour of Inchedrour, with Williame Nory, portioner thereof, 2000 merks; Williame Nory of that Ilk, with Walter Currour of Inchedrour, 1000 merks; Duncane Leslie of Pitcapill, with Patrik Leith of Hairthill, 3000 merks; Johnne Chalmer of Balbechin, with Duncane Leslie of Pitcapill, 2000 merks; Patrik Forbes of Pittaloquhy, with Johnne Forbes of Polfluge (? Pilfluug), 2000 merks; said Johnne Forbes, with Patrik Forbes of Pittalloquhy, 2000 merks; Johnne Forbes of New and Arthour Forbes of Carnowly, with Patrik Forbes of Pittalloquhy, 2000
Page 189. merks each; Mr Williame Gordoun of Dalpersy, with James Gordoun of Tulliangus, 3000 merks; Duncane Forbes of Byth, with Williame Forbes of Eycht, 2000 merks; Williame Burnett, younger, portioner of Wester Camphell, with Andro Burnat of Eister Camphell, 2000 merks; Williame Strauchane of Glenkindy, with Johnne Forbes of Eycht, 2000 merks; Johnne Forbes of Eycht and Robert Couttis of Auchtircull, with said Williame Strauchane, each of them in 2000 merks; Williame Keith of Ludquharne, with Sir Johnne Gordoun of Pitlurg, 3000 merks; Williame Cheyne of Arnage, with (? Andro) Reid, (? fiar) of Colleistoun, 2000 merks; (? Andro) Reid, (? fiar) of Colleistoun, with Williame Cheyne of Arnage, 2000 merks; Alexander Gardin of Blakfurd and Alexander Chalmer of Balnacraig, with Williame Cheyne of Arnage, each of them in 2000 merks; Patrik Leslie of Kincragy, with Williame Ury of Pitfeichie, 2000 merks; Johnne Gordoun of Carnburrow, with James Gordoun of Knokaspek, 3000 merks; Andro Leslie of New Leslie, with Duncane Leslie of Pitcapill, 3000 merks; Johnne Forbes of the Kirktoun of Touch, with Johnne, Master of Forbes, 2000 merks; Williame Gordoun of Craig, with Robert Cheyne of Straloch, 3000 merks; Williame Forbes of Barnis, surety for Johnne Forbes, younger of Towy (Tollis), and the said Johnne, surety for the said Williame, 2000 merks each; Sir Walter Ogilvy of Findlettir, with Sir George Ogilvy of Dunlugus, 3000 merks; said Sir George, with Sir Walter, 3000 merks; James Gordoun of Knokaspek, with Patrik Leith of Hairthill, 2000 merks; James Forbes of Corsindae, with Johnne, Master of Forbes, 2000 merks; Andro Tullidaff of Raneistoun, with Johnne, Master of Forbes, £2000; Mr Williame Chalmer,

with Mr Thomas Leslie, burgess of Abirdene, £2000. Besides many of the principals and sureties foresaid, the following subscribe the above act of caution: viz., Johnne Lummisden of Cushny, Alexander Ord in Murthlic, Alexander Ord, fiar of Ord, Thomas Ord of , Thomas Burnatt of Cragneill, Johnne Leslie of Largy, James Maitland of Manlate, George Meldrmu of Ardfork, Alexander Ord of that Ilk, portioner, Walter Oustene in Lochquham, William Chalmer, Alexander Chalmer of Cultis.—(" This Act is deleit for the pairt of Johnne Gordoun of Newtoun be a warrand subscrivit be his Majestie and his thesausar depute: J. Andro." [1]) cta 1587–89.

Edinburgh, 6th May.

Sederunt—Cancellarius; Neubottle; Blantyre; Clericus Registri; Coldenknowis; Carmichaell. Page 190.

To denounce John Ker of Hirsell.

Johnne Ker of Hirsell, having failed to appear before the Council to answer for having "tressonablie maid bandis, kepit conventiclis and unlauchfull assembleis," and at last taken "armes and cum to the feildis" against his Majesty, is to be denounced rebel.

To denounce Drummond, younger of Blair, and others.

George Drummond, son and apparent heir of George Drummond of Blair, Johnne and Henry Drummondis, also his sons, Patrik and Petir Hayis, sons of Petir Hay of Meginche, Donald Ferquharsoun in Casteltoun, Lauchlane Ferquharsoun, his brother, and Robert M^cRichie in Glenshie, are to be denounced rebels for their non-appearance to answer "tuicheing the allegeit practize tending to the subversioun of the trew religioun and perelling of his Hienes persone and estate."

Suspension of horning against Maitland of Auchincrieff.

Complaint by Mr Robert Maitland of Auchincreiff, as follows:—He has been lately charged by Gilbert Guthree to pay the sum of £3 for his share of the barons' tax of £40,000 for his lands of Auchincreif, under pain of rebellion, and Guthree intends to put him to the horn if he does not pay. Now, by Act of Council, there should be uplifted only 20s. of every pound land of old extent pertaining to the small barons and freeholders, and the said complainer's lands abovewritten extend only to twenty shilling land, as the retour of the same testifies. He ought therefore to pay only 20s.; which he has consigned in the hands of the Clerk of Council, having found caution for payment of any additional sum for which he shall be found liable. He craves therefore that the said letters be suspended.—The said Gilbert, and Alexander Irwing of Drum, collector of the said tax within the shire of Abirdene, having been summoned to answer, and the Page 191.

[1] The entries since the 24th of April (*ante*, p. 374) show how thoroughly the King had followed up the success of his northern expedition. Not only had the northern rebels come in to the King at Aberdeen in crowds and certified their renewed allegiance by bands and cautions; not only had Slains Castle and other places of strength belonging to the rebels been taken and garrisoned; but Huntly himself had been captured or compelled to surrender. This had been done in the course of a triumphant march of the King out of Aberdeen towards Strathbogie, and the fastnesses there of Huntly and his Gordons. That capture having crowned the expedition, the King had returned to Aberdeen, with Huntly as his prisoner; and, the other measures with the Aberdonians and northland men having been taken, the King was now, April 30, ready for his return to Edinburgh with all the reputation acquired by his first real achievement of a military kind.

Acta 1587–89. complainer appearing by Mr James Maitland, his procurator, but the respondents not appearing, the Lords do suspend the letters.

Decree against Douglas of Cavers and Douglas of Bonjedburgh.

Williame Douglas of Cavers, sheriff of Teviotdaill, and George Douglas of Bonejedburgh, younger, had, upon 8th June 1586, become sureties in 5000 merks for Watt Turnbull of Bedroule, then in ward in Edinburgh Castle, that on being released he should enter again in ward in the said Castle, or else appear before the Council when charged upon six days' warning (*ante*, p. 82). Charge had been given for the entry of the said Watt; and now, parties having been called, and the said Watt not having been entered nor his sureties appearing, the Lords decern the said Williame and George to have incurred the penalty, and ordain letters of horning, poinding and distraining to be directed against them for the said sum.

Caution for Drummond of Blair.

Caution in £5000 by James, Commendator of Incheffray, for George Drummond of Blair, that within three days hereof he shall repair to the burgh of Perth, to remain there till freed by the King.

Page 192. Decree against Gledstanes of Cocklaw and Cranston of that Ilk.

Suit of Mr Thomas Lyoun of Balduky, Master of Glammis, treasurer, and Sir Robert Melvill of Murdocairny, his depute, as follows:—In a justice court held in the tolbooth of Edinburgh, 31st December last, Johnne Turnbull of Minto and Walter Turnbull of Bedreule "being enterit on pannell" on a charge of resetting Williame Douglas, son of Williame Douglas of Cavers, James Douglas, son of Johnne Douglas of Quhytekirk, Hector Turnbull in Barnhillis, George Turnbull, his brother, Williame Douglas, son of David Douglas of Yarlsyde, Robert Turnbull, son of Sir Thomas Turnbull of Bedreule, Robert Turnbull, called the tutor of Barnhillis, Hector and Gawine Turnbullis, his brothers, and certain other rebels denounced, 28th December 1586, for art and part in the slaughter of Johnne Grymmislaw, younger of Newtoun, Williame, James, Andro, Robert and Thomas Grymmislawis, brothers and sons of Johnne Grymmisla of Newtoun, the said Johnne and Walter had for this cause "become in his Majesteis will." Johnne had then found James Gledstanes of Coklaw as his surety in 500 merks that he would remain in Edinburgh till he had found caution within the bounds of Lowtheane for satisfaction of the said will, and Walter had found Sir Johnne Cranstoun of that Ilk his surety in the said sum to the same effect. Yet, the said Johnne and Watt had departed furth of Edinburgh without finding the said caution; wherefore it is craved that the said sureties be decerned to incur, "ather of thame," the said penalty for his Majesty's use.—The pursuers appearing by Johnne Gray, their procurator, but the said principals and their sureties not appearing, the Lords decern as craved.

Page 193. Edinburgh, 9th May. Caution for Lord Claud Hamilton.

Caution in £2000 by James Hammiltoun of Rouchbank for Claud, Commendator of Paislay, that he will not harm Johnne Gilchrist of Sandifurde, his tenants or servants.

Edinburgh, 12th May.

Caution in £1000 by Johnne Blair of that Ilk, as principal, and Neill Montgomerie of Langshaw, as surety for him, that Gawine Hammiltoun of

Caution for John Blair of that Ilk.

Roploch, Robert Dalzell of that Ilk, Johnne Deane in Auchintibber, Neill Dene there, Andro Muir there, Johnne Steill there, Robert Stene in Auchinmad, Johnne Gemmill there, James Quhyte there, and Johnne Myllair in Craigmylne, with their tenants and servants, shall be harmless of the said principal. Acta 1587–89

Edinburgh, 14th May.

Caution for the minister of Fail.

Caution in £3000 by Williame Wallace, younger of Johnnstoun, for Williame Wallace, minister of Faill (Failfurde), that he will not harm Thomas Tait of Adamehill, or Charlis, Johnne, Williame and Alexander Taitis, his sons.

Caution for William and Michael Wallace.

Caution by Robert Wallace, younger of Carnell, for Williame Wallace in Brighous in 2000 merks, and for Michael Wallace, brother of Johnne Wallace of Cragy, in £3000, that Thomas Tait of Adamehill and his said four sons shall be harmless of them.

Edinburgh, 16th May.

Sederunt—Cancellarius; Mar; Mortoun; Hume; Dingwall; Thesaurarius; Clericus Justiciarie; Clericus Registri; Coldenknowis; Pluscarden; Advocatus; Murdocairny; Collector; Carmichaell; Computorum Rotulator; Willelmus Keith.

To denounce Lord Semple and certain others for not answering a charge of resetting John Smollett, burgess of Dumbarton.

Although the lieges were, by the letters lately published at the market crosses of Dunbartane, Renfrew and other places, discharged from resetting, intercommuning with or entertaining Johnne Smolatt, burgess of Dunbartane, now fugitive, yet Robert, Lord Semple, immediately thereafter, not only entertained the said Smolatt in his house of Castle Semple, and in March last "publictlie avowit and declairit that he wald defend and ressett him" in spite of the said letters or any subsequent charges, "as autentik instrumentis tane upoun his declaratioun in the handis of Williame Cuming, notar, at mair lenth beiris," but also, "at that same tyme tuke and apprehendit the said Williame Cuming and causit transport him perforce to the said place of Castell Semple, quhairin he hes bene and is still detenit as prisonair," thus usurping the King's authority, and maintaining the said Johnne Smollatt in his "tressonable practizes, tending to the subversioun of the trew religioun and perrelling of his Majesteis persone and estate." To answer this charge there have been summoned Robert, Lord Sempill himself, and also Thomas Semple, his brother natural, Johnne Sempill of Foulwode, Robert Semple, his son, fiar thereof, Williame Gilleis, Robert Campbell, burgess of Dunbartane, Mathew Semple, George Harbart, Willie Cauldwell, Hew Garvane, Alexander Lindsay, Johnne Mairshael, Umphra Mairshael, Williame and James Sempillis, sons of Andro Semple of Bruntsheillis, Johnne Brasone, Johnne Brodene, Henry Cuthbert, Johnne Gairdnair, Robert Watt, David Andirsoun, Willie Broun, Johnne Paislay, Henry Paislay in Muredykis, Willie Luiff there, James Robesoun, Gilbert Smyth, Williame Allassoun, Ronnald Luiff, Robert King, Johnne King, his son, Willie Fisheair, Williame Cauldwell in Kers, and Henry Luiff there, resetters of the said Johnne Smollatt and Williame Glen. All these failing to appear, the Lords ordain them to be put to the horn. Page 194.

Acta 1587–89. Caution by Hew Campbell of Terrinyeane for Thomas Tait of Adamhill in £1000, and for Charlis, Johnne, Williame and Alexander Taitis, his sons, in £500 each, that Williame Wallace, minister of Faill, Michael Wallace, his brother, and Williame Wallace of Brighous, shall be harmless of them. Caution for Thomas Tait of Adamhill.

Page 195. Caution by James Hammiltoun of Rouchbank for George Aird in Curry, Johnne Hume there, Johnne Hoge there, and George Notman there, in 300 merks each, that Andro Spittall in Curry shall be harmless of them. Edinburgh, 15th May. Caution for George Aird and others.

Caution in 1000 merks by Johnne Naper, fiar of Marchinstoun, for Williame Wardlaw of Ricartoun, that he will not harm Andro Spittall. Edinburgh, 19th May. Caution for Wardlaw of Riccarton.

Caution in £500 by Paull Dog of Dunrobin for Andro Spittall in Curry, that Williame Wardlaw of Ricartoun, Hary Naper, Samuel Thomesoun, Williame Thomesoun, his brother, Alexander Scott, Johnne Hoge, Alexander Greif, George Aird, Johnne Aird, his son, Johnne Hume, and George Notman, shall be harmless of the said Andro. Edinburgh, 20th May. Caution for Andro Spittal.

Caution by Thomas, Master of Boyd, for Robert Boyde in Kilbryde in 500 merks, and for Robert Boyd, his eldest son, and Henry Boyd, also his son, in 200 merks each, that Johnne Fairlie of Ovir Monok shall be harmless of the said persons. Caution for Robert Boyd and his sons.

Caution in 2000 merks by Johnne Gordoun, fiar of Carnburrow, for Dame Agnes Sinclair, Countess of Errole, that she will not harm Mawnis Mowatt in Cowy. Edinburgh, 21st May. Caution for Countess of Errol.

Page 196. Caution in £1000 by Roger Greirsoun of Lag, as principal, and Williame Creichtoun of Librie, as surety for him, that Johnne Kirkpatrik of Dressetland, and Thomas Kirkpatrik, his brother, shall be harmless of the said Roger. Edinburgh, 22nd May. Caution for Grierson of Lag.

Caution in £500 by Robert Hammiltoun of Bathcatt, as principal, and Robert Hammiltoun of Inchemauchane, as surety for him, that Margaret Mureheid in the Tounheid of Bathcatt shall be harmless of the said principal. Caution for Hamilton of Bathgate.

Caution in £1000 by Robert Dalzell, younger of that Ilk, as principal, and Robert Nesbitt of Dalzell, as surety for him, that Johnne Kirkpatrik of Dressetland, and Roger and Thomas Kirkpatrikis, his brothers, shall be harmless of the said principal. Caution for Dalzell of that Ilk.

Caution by Williame Foullair, burgess of Edinburgh, for Williame Hay of Linplum in 1000 merks, that he will not harm Mr David Chalmer, vicar of Barro. Caution for William Hay of Linplum.

Caution in £1000 by Thomas Kirkpatrik of Closburne, as principal, and James Lokhart, younger of Lie, as surety for him, that Johnne Kirkpatrik of Dressetland, and Roger and Thomas Kirkpatrikis, his brothers, shall be harmless of the said Thomas. Edinburgh, 23rd May. Caution for Kirkpatrick of Closeburn.

Caution for William Kirkpatrick and others.

Caution to the same purpose by Thomas Kirkpatrick of Closburne for Williame, Roger, and Daniel Kirkpatrikis, his brothers, in £500 merks each. Acta 1587-89. Page 197.

Edinburgh, 24th May.[1] Act for regulating the election of Commissioners of the Shires for the coming Parliament.

Preamble states that the King's Majesty, "eftir his lauchfull and perfyte age of xxi yeiris compleit, sittand in plane Parliament," had ratified the Act for representation of the shires made by King James the First, "of worthy memorie" (Acts of Parl., 1427, c. 2, ii. 15), and has ordained (1) that the Commissioners to Parliament for the Shires shall be elected by the freeholders at the first head court after Michaelmas yearly; (2) that the names of those elected shall be notified in writing to the director of Chancery by the Commissioners of the preceding year; (3) that in future the Commissioners shall be warned by precepts of chancery like the other Estates; (4) that the freeholders of the shires shall be taxed for the expenses of the said Commissioners; (5) that the commissions of those elected shall be sealed and subscribed by six barons and freeholders at least; (6) that the shires shall be represented in the Articles by the same number as the Burghs; (7) that the King's missives "befoir generall counsallis" shall be directed to the said Commissioners "or certane of the maist ewest of thame"; and (8) that the compearance of the said Commissioners in parliaments or general councils "sall releve the haill remanent small baronis and freeholdaris of the shyris of thair sutes and presence aucht in the saidis parliamentis" (Acts of Parl., 1587, c. 120, iii. 509). The Act proceeds that the King now, with advice of his Council, ordains the Director of Chancery to direct precepts to the barons underwritten to convene the freeholders within the shire, stewartry or bailiary, where they dwell, for choosing the Commissioners to the next Parliament, proclaimed to be held at Edinburgh upon 2nd Oct. next, and to report their diligence in this matter to the Council before 15th August next, under pain of rebellion. Proclamation, accordingly, to be made at the market crosses of the head burghs of all the shires and other places needful. The barons commissioned are as follows:—Coline M^cKanzie of Kintaill, for the shire of Invernes; Johnne Urquhart, tutor of Cromartie, for the shire of Cromarty; Johnne Campbell of Caldell, sheriff of Narne, for that shire; Patrik Dunbar, "schireff wardatair" of Elgin and Fores, for that shire; Walter Ogilvy of Findlatter, for the shire of Banff; Alexander Irwing of Drum, for the shire of Abirdene; Johnne Strauchane of Thornetoun, for the shire of Kincardin; James Skryngeour of Dudop, constable of Dundee, for the shire of Forfair; Alexander Blair of Bathiok, for the shire of Perth;

[1] This was the day of the trial in Edinburgh of the chiefs of the late conspiracy and rebellion,—to wit Huntly, who had been brought prisoner from Aberdeen some three weeks before (*ante*, p. 380, footnote); Bothwell, who had surrendered on the 11th of May; and Crawford, who had surrendered on the 20th. Indicted on a variety of charges, including not only their armed risings against his Majesty, but also their previous plottings for the seizure of the King at Holyrood and the murder of some of his councillors, especially Chancellor Maitland, they were found guilty, on proof or on their own confession,—Huntly the guiltiest of all. Their sentences were left to the King's pleasure, and they were taken back to ward in the Tolbooth of Edinburgh. Errol and Montrose were still at large.

Acta 1587–89. Johnne Murray of Tullibardin, for the stewarty of Stratharne; Mussheit of Tolgarth, for the stewarty of Menteith; David Wemys of that Ilk, for the shire of Fyffe; , for the shire of Kinros; Williame Menteith of Kers, sheriff of Clakmannane, for that shire; Alexander Forrestair of Carden, for the shire of Striviling; James Galbraith of Kilcreuch, for the shire of Dunbartane; James Campbell of Ardkinglas, for the shire of Ergyle and Tarbart; Johnne Stewart, sheriff of Bute, for that shire; William Baillie of Lamingtoun, for the shire of Lanerk; Johnne Maxwall of Nethir Pollok, for the shire of Renfrew; Hew Campbell of Terrinyeane, for the shire of Air; Johnne Wallace of Cragy, for the bailiary of Kyle; Johnne Kennedy of Blairquhan, for the bailiary
Page 198. of Carrik; Johnne Blair of that Ilk, for the bailiary of Cunynghame; Patrik Agnew of Lochnaw, sheriff of Wigtoun, for that shire; William Douglas of Drumlangrig, for the shire of Drumfreis; Johnne Gordoun of Lochinvar, for the stewartry of Kirkcudbricht; James Johnnstoun of Dunskelly, for the stewartry of Annanderdale; James Tuedy of Drummelzeair, for the shire of Peblis; Patrik Murray of Fawlahill, sherif of Selkirk, for that shire; Williame Ker of Cesfurde, for the shire of Roxburgh; George Hume of Weddirburne, for the shire of Beruik; Mr George Lauder of Bas, for the shire of Edinburgh within the constabulary of Hadingtoun; Thomas Ottirburne of Reidhall, for the shire of Edinburgh principal; and George Dundas of that Ilk, for the shire of Linlythgow.

Caution for William, Andrew, and Daniel Younger.

Caution by Claud Hammiltoun of Cochno for Williame, Andro, and Daniel Youngaris, in £100 each, that, on being freed from their present ward, they shall answer before the Council upon 31st inst. to a complaint against them by Johnne Stewart of Rosland.

Edinburgh, 26th May.

Caution for Semple of Foulwood and others.

Caution by Sir Williame Stewart of Caverstoun for Johnne Semple of Foulwode, Robert Semple, his son and apparent heir, and Robert Campbell, burgess of Dunbartane, in 300 merks each, that they shall answer before the Council upon 20th June next for resetting and intercommuning with Johnne Smollatt, rebel.

Caution for Robert Glen, elder, and Robert Glen, younger.

Registration, by Mr Richard Spens, advocate, as procurator for the parties, of a band of caution by Williame Kirkaldy, *alias* Ker, of Grange, for Mr Robert Glen of Inchekery, elder, and Mr Robert Glen, younger, in £1000 either of them, that they will not harm Johnne Setoun of Piteddie.

Page 199. Subscribed at Kinghorne, 20th May 1589, before Williame Kirkaldy, burgess of Kinghorne, Robert Waistoun, *alias* Kellis, and Alexander Thomesoun.

Edinburgh, 27th May.

Sederunt—Cancellarius; Angus; Athoill; Mairshael; Mortoun; Thesaurarius; Altrie; Dingwell; Neubottle; Blantyre; Clericus Justiciarie; Murdocairny; Willelmus Keith; Magister Petrus Young.

Complaint by Johnne Irwing of Kingcoussy, and Andro Irwing, his son,

Suspension of horning against Irving of Kingcausie and his son.

as follows:—Mr Andro Harvy of Blairis, and James, Thomas, and Williame, his sons, alleging that the complainers had "invadit and persewit thame of thair lyveis," had obtained letters charging them to appear and answer on a certain day bygone, and, for their alleged disobedience, had obtained other letters putting them to the horn,—"wrangouslie and unjustlie," inasmuch as the complainers had not been personally charged, nor had they received a copy of the said letters, nor any other sufficient intimation.—The complainers appearing personally, and the said James Harvy appearing for himself and for his father and brothers, the Lords, after hearing parties, suspend the said letters, because the complainers have appeared and have also found caution not to harm the said James Harvy in future. Acta 1587–89.

Caution for said Irving and his son.

Caution by Alexander Irwing, apparent of Drum, for Johnne Irwing of Kingcoussy, in 1000 merks, and for Andro Irwing, his son, in 500 merks, that they will not harm Mr James Harvy, son of Mr Andro Harvy in Blairis. Page 200.

William Forbes denounced, and John Forbes of Towy charged to find caution.

Complaint by George Robsoun, messenger, and Robert Gray, as follows:—While, upon 3rd April last, they were executing letters raised by the tenants of Innernete against Williame Forbes, brother of Alexander Forbes of Gellane, requiring him to find caution that he would not injure them, the said Williame, and Johnne Forbes, younger of Tolleis, "maist shamefullie, injuriouslie and maliciouslie, without respect or rewarde [*sic*] to his Majestie, invadit and persewit the saidis complenaris of thair lyves, straik and dang thame with rungis and treis in divers pairtis of thair bodyis, to the effusion of thair blude in grite quantitie, and had not faillit to have slane thame wer nocht the grace of God and thair awne bettir defens."—The complainers appearing by Alexander, Master of Elphingstoun, their procurator, and the said Johnne Forbes, younger of Toweis, appearing personally, but the said Williame not appearing, the Lords ordain the said Johnne to find caution (1) in £1000 that he shall underly the law, upon the third day of the next justice air of the shire where he dwells, for assaulting the complainers in manner foresaid; (2) in £2000 that he will not harm the tenants of the barony of Kildrymme; (3) in £1000 that he will not reset or intercommune with the said Williame Forbes during the time of his rebellion. The said Johnne is to find these cautions, within ten days after being charged, under pain of rebellion.

Band for Alexander Cumming of Culter and others.

Registration, by Johnne Haliday, advocate, as procurator for the parties, of a band of caution by James, Master of Lindsay, for "ane honnourable man," Alexander Cuming of Cultir, in £1000, and for Mr Johnne Cuming, his brother, Norman Cuming, Thomas Moir, George Mairshaell, Williame Craig, Williame Irwing in Hoilmylne, James Cuming in Tullioch, and Johnne Walkar, *alias* Irsoun, servitors to the said Alexander, in 300 merks each, that Johnne Irwing of Kingcoussy, Andro, Johnne, and Alexander Irwingis, his sons, shall be harmless of the said persons. Subscribed at Abirdene and Edinburgh, 19th and 27th May 1589, before Mr Williame Ray, with Johnne Cuming and James Murray, notaries public, Page 201.

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the said notaries subscribing for the said Alexander's servants and tenants, "becaus we can not write ourselff."

Edinburgh, 29th May. Act in favour of Lord Hamilton, anent the disposition of the lands of Cunningham of Robertland and Cunningham of Aiket, at the horn for the murder of the late Earl of Eglinton.

Supplication by Johnne, Lord Hammiltoun, as follows:—In consequence of the process of horning led against David Cunynghame of Robertland and Alexander Cunynghame of Aikatt [charged with the murder of the late Hew, Earl of Eglinton], the said Lord had acquired the lands of Robertland and Aikatt, belonging to them heritably, and the "rowme" of Bordland, held by the said Alexander "in steding" of the Earl of Cassillis, together with the houses of Robertland and Aikatt, "be ressoun of escheit and lyverent." Yet, as the petitioner is informed, there is an Act by the Privy Council licensing Robert, Master of Eglintoun, to intromit with the said houses, and appointing six persons for keeping Robertland and four persons for keeping Aikat, with an allowance of £6 monthly to each of them furth of the small livings foresaid (*ante*, p. 94). It is represented that this Act, "sa prejudiciall to the said Lord Hammiltoun, donatour foirsaid, and sa fer aganis the law and practique," had been "sinisterlie purchest," and aught to be discharged *simpliciter*.—The Lords, in respect of the said gift passed to Lord Hammiltoun, do discharge the foresaid Act of the Privy Council [though it had been ratified in Parliament, 1587, c. 75, iii. 479], and decern that the said Lord shall intromit with the said houses, and with the past rents and duties of the said lands and livings still unpaid, "and siclike yeirlie and termelie in tyme cuming during the tyme expressit in his said gift." The reason assigned is that Lord Hammiltoun has found caution that the said houses shall be rendered to the King upon six days' warning, and in the meantime that none of the rebels presently at the horn for the slaughter of the late Hew, Earl of Eglintoun, shall be reset in the same during their rebellion, under the penalty of £10,000. The said Master of Eglintoun is therefore required to deliver the houses to Lord Hammiltoun within six hours after charge, under the pain of treason; and the tenants and occupiers of the said lands and livings are commanded to make payment to Lord Hammiltoun of the rents and duties of these lands still "restand unpayit," and at the terms used and wont in time coming, under the pain of rebellion. James Skryngeour of Dudope, constable of Dundee, Johnne Wallace of Cragy, and Robert Baillie of Jervestoun become sureties for Lord Hammiltoun to the above effect.

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Caution for Lord Hamilton.

All persons culpable of the late rebellion to compone for their crime or take their trial: Commissioners for the composition.

The King, with advice of his Council, having resolved "that all and sindrie personis culpable of the lait tressonable rebellioun and defectioun maid frome his Majesteis obedience sall compone and fyne thairfoir," commission is given to the Treasurer and Treasurer-depute, with the Chancellor, Privy Seal, Collector, the Lord of Altree, Coldenknowis, and the Clerk of Register, or any three of these six, with the Treasurer and his depute conjunctly, to compone for remissions for the said crimes. Those of the culpable who are now in Edinburgh and refuse or delay to accept the present favour are to be tried by an assize at once

for the said crimes, or to find sufficient sureties for their appearance to stand trial before the Justice on the third day of the next justice air or court of the shire where they dwell. In order that all the culpable "may find thameselffis indifferentlie usit" and that none "haif occasioun to murmour as thocht thair wer partialitie usit," the King, with advice of his Council, discharges all "protectionis, dispensationis, supersedereis, licenceis, renunciationis and dischargeis of his Hienes persute and interes contenand alswa a remitt for the said cryme, togidder with all uthiris letters consavit in quhatsumevir forme, except the same be ordourlie past in forme of remissioun undir the grite seill with all ceremoneis requisite." Publication hereof is ordered at the market cross of Edinburgh and other fit places. Acta 1587–89.

Caution for Hamilton of Cotquot and others.

Caution by Williame Baillie of Lamingtoun for Johnne Hammiltoun of Cotquot in 1000 merks, for Richard Hammiltoun, his eldest son, in 500 merks, and for Alexander Guidfellow, their servant, in 200 merks, that Williame Hammiltoun in Halmyre and Adam Hendirsoun in Bogend shall be harmless of them.

Band for Richard Kirkpatrick.

Registration, by Mr Johnne Skene, advocate, as procurator for the parties, of a band of caution in 500 merks by Sir Patrik Houstoun of that Ilk for Richard Kirkpatrik, brother of the late Thomas Kirkpatrik of Allisland, that Williame Maxwall, eldest son and apparent heir of Edward Maxwall of Tinwald, shall be harmless of the said Richard. Subscribed at Houstoun, 14th May 1589, before Hew Craufurde, fiar of Newtoun, Patrik Simsoun, and Johnne Maxwall, notary public. Page 204.

Act for putting in force former Acts against the exiled Bishops of Glasgow, Ross, and Dunblane, notwithstanding recent remissions.

The King and Council considering "how it hes bene maist prudentlie and wyslie providit, be divers Actis of Parliament and Secreit Counsaill respective, that na maner of persone sustenand the processis of foirfaltrie, barratrie, or excommunicatioun for nocht professing of his Majesteis obedience and geving the confessioun of thair faith in his minoritie, suld be ressavit agane to his Majesteis obedience, or enjoy ony benefitt within this realme, quhill thair lauchfull relaxatioun and absolutioun fra the saidis sentenceis, and acknaulegeing of his Majesteis obedience, his authoritie, and trew religioun publictlie professit and be law establissit within this realme, and how that, nochtwithstanding of the saidis Actis, the bischoppis of Glasgu, Ros, and Dunblane, and divers utheris personis aganis quhome the sentenceis of foirfaltour, barratrie, or excommunicatioun hes bene led, hes obtenit certane pretendit retreitingis of the saidis sentenceis, at the leist dispensationis of the nocht geving of the confessioun of thair faith, be ressoun of thair absence furth of the cuntrey, ordining thame to be answerit of thair levingis in the meantyme, and the Lordis of Sessioun to proceid and minister justice in all thair caussis, nochtwithstanding the nocht geving of thair saidis confessionis: quhilk hes bred na small inconvenient and trouble amangis the legis of the cuntrey sensyne, to the grite greiff of his Majestie, and disquieting of the present estate and trew religioun: For remeid quhairof, his Hienes, with avise and consent of the Lordis of Secreit Counsaill, decernis and ordanis the saidis Actis of Parliament to stand effectuall in all tyme cuming,

Acta 1587–89. alsweill aganis the saidis three Bishoppis as aganis all utheris personis contrair quhome the saidis sentenceis of foirfaltour, barratrie, or excommunicatioun hes bene led, dischargeing *simpliciter* be thir presentis all the saidis dispensationis or utheris indulgenceis obtenit be the saidis personis, contrair the tennour of the saidis Actis, dispensand with thair not geving of the confessionis of thair faith during thair absence." Publication hereof is ordered at Edinburgh and all other fit places.[1]

Page 205. Caution by Johnne Murray of Tippermure for Sir Johnne Murray of Tullibardin in £1000, for Mungo Murray, his brother, in 1000 merks, and for Mr Williame Murray of Auchtirtyre, David Murray in Lettir Bannachy, David Murray of Kinkell, Johnne Murray, his son, Anthone Murray of Raith, and Johnne Murray of Arbany, in £500 each, that they will not harm Issobell Scott, relict of Andro Sibbald in Kinkell, her tenants or servants. Edinburgh, 31st May. Caution for Murray of Tullibardine and others.

Sederunt—Cancellarius; Mairshaell; Altrie; Thesaurarius; Neubottle; Blantyre; Coldenknowis; Collector; Murdocairny. Edinburgh, 2nd June.

Johnne Lindsay of Ballinsho, Cristell Creichtoun there, Patrik Lindsay of Barneyairdis, younger, Rynd, eldest son of Rynd of Kers, Gairdin of that Ilk, Betoun, younger of Melgund, Alexander Lindsay of Kethik, and Johnne Lindsay, son of Lindsay of Evelik, to be denounced rebels for not appearing to answer a charge of having "tressonablie maid bandis, kepit conventiclis and unlauchfull assembleis, and at last cum to the feildis aganis his Majestie and his authoritie." To denounce John Lindsay and others.

Page 206. Williame, Earl of Angus, having, "at the Kingis Majesteis speciall desire and requeist," promised to deliver the castle of Temptalloun, "with certane furnitour being thairin upoun inventair," to Archibald Douglas, younger of Quhittinghame, to the effect Frances, Earl Bothuill, who is to be warded within the said castle, "may be retenit and kepit thairin be the said Archibald Douglas," the King, with advice of his Council, promises, "in the worde of a Prince," that, as soon as the said Earl shall be released from the castle, the same, "with the said furnitour and provisioun," shall be rendered again to the said Earl of Angus.[2] Promise to redeliver the Castle of Tantallon to the Earl of Angus after it has served for the imprisonment of Earl Bothwell.

His Majesty having directed George, Earl Mairshael, as his

[1] The three exiled bishops mentioned in this order are James Beaton, formerly Roman Catholic Archbishop of Glasgow, John Lesley, formerly Roman Catholic Bishop of Ross, and William Chisholm, formerly Roman Catholic Bishop of Dunblane. For former mentions of them in the Register see previous volumes, and the preceding part of this volume, by the Indexes.

[2] This order points to the decision that had been come to as to the three rebel chiefs lately tried for their treasons and found guilty. The King could not bear to take their lives, and, as the Chancellor desired mercy for Bothwell, and the Treasurer Glammis pleaded for Huntly and Crawford, the indefinite imprisonment of all three was to be enough. Bothwell, as this order purports, was to be warded in Tantallon Castle; the Castle of St Andrews was to be the place of Crawford's imprisonment; and Huntly's prison was to be Borthwick Castle.

Ordinance in favour of the Earl Marischal and those who are to accompany him in his embassy to Denmark.

ambassador to the King of Denmark, "to intreat upoun our said Soverane Lordis mariage, and uthiris grite and wechtie effearis contenit in the commissioun and instructionis maid and consavit thairupoun, for executioun of quhilk commissioun the said George, Erll Mairshael, is makand his preparatioun with all possible diligence and upoun the suddantie mon depairt," and the King and Council also "foirseing that, in his absence for sa grite and necessair his service, the said Erll suld not be hurte in ony of the effearis quhilkis he hes to be done in the cuntrey, propirlie concerning himself or quhairin he hes interes," it is declared "that fra this present day thair salbe na proces led nor gevin befoir the Lordis of Counsaill and Sessioun, or ony uthir jugeis within this realme, in ony mater criminale or civile alreddy intendit or that salbe intendit at the instance of quhatsumevir persone or personis aganis the said Erll, his chalmerlane and baillies, directlie, or in ony uthir mater, actioun and caus quhairin he may have interes to defend, and in lyke maner that all proces intendit or to be intendit contrair and aganis quhatsumevir persone or personis that sall accumpany him in the said service, or quhairin thay or ony of thame hes speciall interes, sall stay and ceis till the said Erll his returning and be the space of dayis nixt thaireftir." On the other hand, "the said George, Erll Mairshael, and sic as sall accumpany him in the said service, sall alwayes, be thair procuratouris and commissionaris, have proces befoir the saidis Lordis of Counsaill and Sessioun and all uthiris jugeis in all materis criminale nor [*sic*] civile alreddy intentit or to be intentit be thame or ony of thame in the meantyme." The present ordinance is to be "presentit to the saidis Lordis of Sessioun and registrat in thair buikis, to the effect that the same may be inviolablie observit be thame, and na persone pretend ignorance thairof." Further, the King and Council, "acknaulegeing how in all tymes preceding sic as suld happin to depairt this lyffe in the Prince his service, in caussis concerning the commoun weill, and willing that the said Erll, and sic as sall depairt in cumpany with him, sal have the like previlege," decern that, "giff the said Erll, or ony uthiris being in his service, sal happin to deceis in thair awaypassing, awaiting and returning thairfra, or giff, upoun deidlie seiknes contractit in the said voyage and service, they sal happin to depairt thaireftir, the narrest air maill and of tailzie of the said Erll, and air of thame that sal happin to deceis in the said Erllis cumpany in maner abone specifeit, sal have thair warde, releiff, nonentres and mariage, quethir thair landis be haldin immediatlie of oure said Soverane Lord or of ony uthir immediat superiour." In like manner, "giff ony beneficeit persone depairt with the said Erll in the said service, and sal happin to deceis thairin or be occasioun thairof in maner befoir mentionat, thair narrest kynnisman and freind salbe presentit to the said benefice, thay being qualifeit thairfoir; and, in cais nane of thair freindis salbe found qualifeit, yit the narrest freind of the beneficeit persone deceissand sall nominat ane uthir qualifeit persone to the patrone, quhome our Soverane Lord sall caus be presentit to the benefice, and to be provydit thairin

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Acta 1587–89. sufficientlie, quhethir his Majestie be patrone thairof or nocht." His Majesty "promittis in the worde of a Prince that this declaratioun and ordinance salbe ratifeit in the nixt Parliament, giff neid be."[1]

Caution for John Fairlie of Over Monok.

Caution by John Fairlie of Ovir Monok, as principal, and David Blair of Corslaw, as surety for him and for Robert Blair of Glenesyde, in 500 merks either of them, that Robert Boyd in Kilbride, his bairns, tenants and servants, shall be harmless of the said Johnne and Robert.

Edinburgh, 4th June.

Sederunt—Cancellarius; Mortoun; Thesaurarius; Neubottle; Coldenknowis; Clericus Registri; Murdocairny; Computorum Rotulator; Culluthy.

Suspension of letters of horning against Sydserf of Roughlaw and his son.

Complaint by Patrik Sydserff of Rouchlaw, and Williame Sydserf, his son:—Having been charged by King's letters, under pain of rebellion, to present Michael Fell before the provost and bailies of Edinburgh, and to enter him within the tolbooth of the said burgh, there to remain till his Majesty declare his farther will, they plead that the letters "ar wranguslie direct and execute," because, the said Michael not being their man, they are not bound for his entry by the general band. "And, albeit he wer man, tennent, or servand to the saids complenaris (as he is nocht), yit, he being his Majesteis free subject, nocht convict of ony cryme or offens, and na proces nor sentence quhatsumevir led or deduceit aganis him, thay aucht nocht to have bene chargeit for his entree, nather suld ony executioun of letters be used aganis thame or him for warding of his persone, unto the tyme he had bene convict of sum notable cryme, meriting sic hard handilling, and thaireftir he had bene tryit to haif bene man, tennent or servand to the saidis complenaris, for quhome be the said generall band he wes bound; quhilk wes not done, bot the saidis letters direct without ony convictioun, tryale, or cognitioun preceding, expres aganis the dalie practique and consuetud observit in sic caissis." Farther, the said Michael dwells in England.—George Liddell, messenger, executioner of the said letters, had been charged to appear and produce the same; and now, the complainers appearing by Archibald Douglas, younger of Quhittinghame, their procurator, but the said George not appearing, the Lords order the letters to be suspended.

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[1] The marriage of King James with a Danish princess, proposed as long ago as June 1585 (see vol. iii. p. 749, footnote), and about which there had been a good deal of negotiation since (*ante*, pp. 269, 344), was now on a fair way to completion. His bride, however, was not to be the eldest daughter of the Danish King, Frederick II., as had been first intended. In consequence of the delay and coolness of James in the matter, that princess had been assigned by her father to the Duke of Brunswick; and the match was now to be with her younger sister, Ann. Meanwhile, in 1588, Frederick II. had been succeeded by Christian IV. George Keith, Earl Marischal, had been selected as ambassador-extraordinary to Denmark, for the purpose of completing the match and bringing the princess to Scotland, partly on account of his high rank and unusual accomplishments, but partly because his great private wealth ensured a magnificence befitting the occasion without much expense to the King himself. He was to be accompanied by a noble retinue.

The Master of Elphinstone against the Master of Forbes and other Forbeses.

Complaint by Alexander, Master of Elphingstoun:—The King and Council have been informed by his "lait complaintis" of the "divers injureis and oppressionis committit be Williame Forbes, bruthir to Alexander Forbes of Gellane, and be the said Alexanderis selff, and Williame Forbes, sone to Alexander Forbes of Stratornok, upoun the said complenar, his tennentis and servandis, be the speciall ressett, supplee and hounding oute of Johnne, Maister of Forbes, quha hes presentlie the said Alexander Forbes in his cumpany and houshald within the burgh of Edinburgh; quhais insolence and oppressioun, giff the same be nocht tymouslie preventit be sum substantious and gude ordour, will not faill to bring on forder bluidshed amangis thame, sair aganis the said complenaris will, sen he is desirous to leif in peax as his Majesteis gude subject."—The Master of Elphingstoun appearing personally, and the Master of Forbes by Alexander Lummisden, his servant and procurator, the Lords ordain the said Master of Forbes to find caution in 4000 merks within ten days, under pain of rebellion, that neither he nor any of the three other Forbeses will harm the said Master of Elphingstoun's goods, or his tenants and servants, inhabitants of the barony of Kildrymme. Acta 1587-89.

Suspension of letters of horning against Walter Chisholm of that Ilk.

Complaint by Walter Cheisholme of that Ilk, as follows:—For his non-payment to Johnne Touris of Inverleith, collector of the tax of 10,000 merks granted to his Majesty by the small barons and freeholders of the shires of Edinburgh, Haddington and Linlithgow, of £14, 4s. for his lands of Bowshank and Borland in the shire of Edinburgh, he has been put to the horn; and, on the ground that he had not been charged personally or by due intimation, he pleads that the letters of horning should be suspended, especially as, "howsone the said charge and pretendit denunciatioun come to his earis," he had made payment of the said sum to George Mak, writer, factor constituted by the said collector.—The complainer appearing by David Brysoun, his procurator, but Johnne Touris failing to appear, the Lords do suspend the letters. Page 209.

Complaint of Lady Foulis and four others against Munro of Foulis, step-son of Lady Foulis, who has procured a commission for trying them for witchcraft and other crimes.

Complaint of Katherene Ros, relict of Robert Monro of Foullis, Margaret Suthirland, spouse of Hector Monro, portioner of Kilterne, Bessie Innes, spouse of Neill Monro in Swardill, Margaret Ros, spouse of Johnne Keill M°donnald Roy in Caull, and Margaret Mowatt, as follows:—Mr Hector Monro, now of Foullis, son-in-law of the said Katherene Ros, "seiking all meanis and wayes to posses himself in certane hir terce and conjunct fee landis of the barony of Foullis, and to disposses hir thairfra," had first "persewit certane hir tennentis and servandis be way of deid for thair bodilie harme and slauchter," and then, "finding that he could nocht prevaill that way, nather be sindrie uthiris indirect meanis socht be him," had at last, "upoun sinister and wrang informatioun and importune sute, purchest ane commissioun of the same to his Majestie, and to Coline M°Kanzie of Kintaill, Rory M°Kanzie, his bruthir, Johnne M°Kanzie of Garloch, Alexander Bane of Tulloch, Angus M°Intoshe of Termitt, James Glas of Gask, Williame Cuthbert in Inuernes, and sum uthiris speciallie mentionat thairin, for apprehending of the saidis Margaret Suthirland,

Acta 1587–89. Bessy Innes, Margaret Ros, and Margaret Mowatt, and sindrie utheris, and putting of thame to the knaulege of ane assyis for witchecraft, and uthiris forgeit and feinyeit crymes allegeit committit be thame." Further, "the saidis personis, be vertew of the samin commissioun, intendis to proceid aganis thame maist partiallie and wilfullie, and thairby to dryve the saidis complenaris to that strait that ather thai sall satisfie his unressonable desyre, or then to lose thair lyveis, with the sobir portioun of guidis conqueist be thame for the sustentatioun of thame and thair pure bairnis: howbeit it be of veritie that thay ar honnest wemen, swa repute and haldin thir mony yeiris bigane, spoted at na tyme with ony sic ungodlie practizeis, nather ony wayes haveing committit ony offens, bot be all thair actionis behavit thameselffis sa discreitlie and honnestlie as nane justlie could nor can have occasioun of complaint,—thay being evir reddy, like as thay ar yit, to undirly the lawis for all crymes can be layed to thair charge," and having, to that effect, "presentlie found cautioun for thair comperance befoir the Justice and his deputis, or ony utheris jugeis unsuspect, upoun xv dayis wairning." Their prayer, accordingly, is that
Page 210. the said commission be discharged.—Mr Hector appearing for himself and his colleagues, and the complainers by Alexander Morisoun, their procurator, the Lords ordain Mr Hector and the other commissioners to desist from proceeding against the women, and "remitt thair tryale to be tane befoir the Justice-generall or his deputis in the nixt justice courtis appointit to be haldin eftir his Majesteis repairing to the north pairtis of this realme in the moneth of Julii nixt: at quhilk tyme giff his Majestie sall not repair thither, or being repairit sall nocht befoir his returning caus the said tryale to be tane," in that case commission shall be given to Thomas Fraser of Knokky, tutor of Lovatt, Johnne Urquhart of Cadboll, tutor of Cromarty, and Alexander Bane of Tulloch, or any two of them, to administer justice "conforme to the lawis of this realme."[1]

Edinburgh, 6th June. Caution for William Tyrie.

Caution by Alexander Guthrie of Kincaldrum for Williame Tyrie, eldest son of Williame Tyrie of Busbeis, that he will not harm his father, his tenants or servants.

Caution for Dempster of Auchterless.

Caution in 2000 merks by James Cheyne of Straloch for Thomas Dempstar of Auchtirles, that Jonnett Grant, Lady Duffus, and James Suthirland, her son, shall be harmless of the said Thomas.

Page 211. Edinburgh, 7th June. Band for Gordon of Barnbarroch.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of a band of caution in £1000 by Thomas M^c^clellane of Nuntoun for James Gordoun of Barnbarrauch, that Uthred M^c^Kdouell of Garthland, younger, shall be harmless of the said James. Subscribed at Kirkcudbrycht, 3rd June 1589, before Paull M^c^kmoraine and Johnne Mekle, notary.

Page 221. Edinburgh, 10th Juue. Caution for Grant of Freuchy.

Caution in 2000 merks by Johnne Grant of Frewchy, as principal, and

[1] For the antecedents in this case back to 1576, see Chambers's *Domestic Annals of Scotland*, i. 202. The case was not ended, and was to become more famous.

Johnne Campbell of Caddell, as surety for him, that he will not harm James Elphingstoun, or Jeane Leslie, Lady Grant, his spouse. Acta 1587–89.

Edinburgh, 11th June.

Sederunt—REGE PRESENTE—Cancellarius; Mar; Marrshael; Altrie; Thesaurarius; Dingwell; Coldenknowis; Collector; Carmichael; Willelmus Keith; Magister Petrus Young. Page 211.

To denounce the Earl of Montrose.

Johnne, Earl of Montrois, having failed to appear to answer a charge of having "tressonablie maid bandis, kepit conventiclis and unlauchfull assembleis, and at last cum to the feildis aganis his Majestie and his authoritie," is to be denounced rebel.

To denounce David Graham of Fintry.

David Grahame of Fintrey, having failed to appear and answer "tuicheing the allegeit practize tending to the subversioun of the present religioun and perelling of his Hienes persone and estate," is also ordered to be denounced rebel.

Caution for Munro of Kildermorie.

Caution in £1000 by Mr Hector Monro of Foullis for Hector Monro of Kildermorie, that he will not harm George, Earl of Caithnes, his tenants or servants. Page 212.

Edinburgh, 13th June. Proclamation of a muster at Brechin on the 30th of June, to attend the King in his intended visit of justice to the northern parts.

The King intending "to repair to the north pairtis of this realme with all convenient expeditioun, for ministratioun of justice, establissing of quietnes, and reduceing of the same to his Hienes obedience," officers are to charge all and sundry earls, barons, and freeholders, together with the inhabitants of burghs, dwelling within the shires of Fyffe, Clakmannane, Perth, Forfair, Kincardin, Abirdene, Banff, Elgin, Fores, Narne, Inuernes, Cromarty, and stewartries of Stratharne and Menteith, by open proclamation at the head burghs of the same, to meet his Majesty at Brechin upon 30th June instant, with 40 days' provision, under the "pane of tinsale of lyff, landis and guidis"; and all licenses for remaining "fra his Hienes oistis, raidis, and armeis" are hereby discharged.

Edinburgh, 14th June. Ordinance requiring all persons culpable of the late rebellion to crave remission for their offences in due form within a certain time.

Inasmuch as, "for punishment of the personis culpable of the lait tressonable rebellioun rased aganis his Hienes and his authoritie, and reduceing of the realme to his Majesteis obedience, speciallie the north cuntrey, his Majestie hes takin deliberatioun to returne thairto, and be the ordour of justice to try and decerne the culpable frome the innocent, meaning alwayes to spair rigour and use lenitie and moderatioun upoun the gritest multitude, that hes bene rather led be errour nor bene of the foirknaulege and devise of the said tressonable rebellioun be the instigatioun of the jesuittis, seminarie preistis, and uthiris instrumentis used for steiring up of the same"; and inasmuch as, for this purpose, "his Hienes in propir persone, at leist be his Justice and Counsaill, hes resolvit to mak residence at the burgh of Abirdene quhill the day of Julii nixt to cum": therefore, and "to the effect that nane heireftir sal have just occasioun to murmour or grudge of extreme and rigorous handilling, gif thay neglect to sute the favour and grace intendit within the tyme appointit," proclama-

Acta 1587-89. tion is ordered at Abirdene and Banff, charging all the lieges, whether in the shires of Abirdene and Banff or elsewhere, "quhilkis hes maid defectioun frome his Hienes obedience in the said tressonable rebellioun, or socht the alteratioun of religioun or present estate, or findis thame selffis culpable in utheris odious and capitall crymes appointit to be persewit in his Hienes present courtis of justiciarie," to make their submission personally. Towards "requiring remissioun and pardoun of thair offenssis," they are "to present thair desiris in tikkatt to the Lordis compositouris quhilkis salbe reddy to ressave the same"; and there is to be certification that "thame that neglectis, the speciall dayis appointit being bipast, thay sall not be hard thaireftir, bot the rigorous executioun of the law, be foirfaltour, hoirning, or utherwise, according to the quantitie
Page 213. of thair offens, salbe used and extendit aganis thame according as thay have deservit." Moreover, "in respect his Majesteis cuming in the north cuntrie is for administratioun of justice and to settle and establishe universall peace and quietnes, it is maist convenient that na thing be attemptit quhilk may gif occasioun to the contrarie," and therefore the proclamation is to "charge all and sindrie his Hienes legis convenit for convoying and accumpanying of his Majestie, or resorting within the said burgh of Abirdene, or ony uthir pairt quhair he sal happin to resorte during his remaning in the north syde of the Month, that thay and every ane of thame contene thameselffis in quietnes, and on na wise invade, molest, trouble, inquiet or giff occasioun of injurie and offens to utheris in worde, deid or countenance, outhir for auld feid or new, undir the pane of deid." Finally, those who had "maid defectioun in the lait rebellioun" are not to repair to Abirdene or to the King's presence "in feir of weir," but are to do so "peceablie, without uthir armour saulffing thair swerdis and quhinzearis, as thai will answer at thair uttermost charge and perrell."

The inhabitants of the southern burghs to attend the muster.

Charge to be given also to the inhabitants of the burghs of Edinburgh, Hadingtoun, Dunbar, Northberuik, Jedburgh, Selkirk, Lawder, Peblis, Drumfreis, Kirkcudbrycht, Air, Wigtoun, Irwing, Glasgu, Renfrew, Dunbartane, Lanerk, Lynlythgu, Striviling, Rothesay, Rutherglen, by proclamation at the market crosses of the same, to meet his Majesty at Brechin upon the said 30th June, all exemptions from attendance to be null.

Edinburgh, 16th June. Band for Home of Ayton and Home of Prenderguest.

Registration, by Mr Johnne M^{c}kgill, advocate, as procurator for the parties, of a band of caution by George Lauder, portioner of Tynninghame, and George Hume, portioner of Gulane, for Williame Hume of Aytoun, and Williame Hume of Prandergaist, in £1000 either of them, that Johnne Hume, portioner of West Restoun, his tenants and servants, shall be harmless of the said principals, who and Patrik Hume, apparent of
Page 214. Aytoun, become cautioners in relief. Subscribed at Edinburgh and Houndwode, 12th and 14th June 1589, before Johnne Hume, son of the said Williame Hume of Aytoun, Alexander Scheild, his servitor, Alexander Hume of Peilheuch, and Johnne M^{c}quhirry, burgess of Edinburgh.

Caution for John Nevay, minister at Mathie, and others.

Caution by David Ramsay of Bomayne for Johnne Nava, of that Ilk and minister of Mathie, in £200, and for Johnne Walker, his sister's son, Johnne Mairshael, Johnne Dog, Alexander Butchart, Gilbert Richardsoun, his tenants, James Nava, brother to the said Johnne, Williame Nava, his son, James Butchart in Eister Grange, Patrik Vauch in Glenbuy, Alexander Richie in Gaitsyde, Alexander Blair in Kincreicht, Alexander Haistie there, Johnne Walkair there, Andro Stevin there, Hew Walkair there, and Andro Johnnstoun there, in £100 each, that Andro Navay in the Walk-mylne of Glenbuy, his tenants and servants, shall be harmless of the said persons. Acta 1587–89.

Band for Homes of Ayton and Home of Prenderguest.

Registration, by Mr Johnne Mackgill, advocate, as procurator for the parties, of a band of caution by Alexander Hume of Huttounhall for Patrik Hume, elder of Aytoun, in £1000, and for Patrik Hume, apparent thereof, and Williame Hume of Prandergaist (Swynewode), in 1000 merks each, that they will not harm Hary Craw, Petir Craw, and Alexander Craw, in Nethir Aytoun. Subscribed at Huttounhall and Hounwode, 8th June, before Johnne Hume, apparent of Huttounhall, Johnne Hume, son of Williame Hume of Aytoun, Johnne Lamb and Robert Hume, servitors to the said Williame Hume of Aytoun, Alexander Sheild, and David Craig, notary public. Page 215.

Edinburgh, 17th June.

Sederunt—Cancellarius; Mairshaell; Altree; Dingwell; Clericus Registri; Willelmus Keyth.

To denounce Chalmers of Balbichan.

Johnne Chalmer of Balbichane, having failed to appear this day to a charge of having "tressonablie maid bandis, kepit conventiclis and unlauchfull assembleis, and at last cum to the feildis aganis his Hienes and his authoritie," is to be denounced rebel.

Edinburgh, 19th June.[1]

King's proper lands not to be exempt from the tax granted for the King's marriage; the tax for said lands assigned to the warden of the West March.

The King and his Council understand that, though in past taxations the feuars and rentallers of the King's proper lands "hes evir bene stentit with the Estate of baronis," yet, in the late taxation of £100,000 granted by the Estates for defraying the expenses of the King's marriage, "upoun certane considerationis moving the commissionaris appointit for setting of the forme of the same taxatioun," the proper lands foresaid have been "left untaxt and na mentioun maid of the same." Now, however, his Majesty, considering the estate of the Borders, "and how the peceable and gude subjectis of this realme inhabiting the cuntreyis ewest the same ar havelie opprest be the stouthis, reiffis and uthiris enormiteis of the thevis and brokin men duelland upoun the same Bordouris," and how also, "be thair frequent ryding and incursionis in England without redres, the peax Page 310. (Acta 1589–91.)

[1] The day before, June 18, Earl Marischal, with Lord Dingwall, the Constable of Dundee, and a retinue of knights and gentlemen (see *ante*, p. 391, footnote), had embarked at Leith for Denmark to complete the King's marriage with the Princess Anna. Colonel Stewart, Prior of Pittenweem, followed from Aberdeen soon after, with further commission in the same business.

Acta 1587–89. betuix the twa realmes is swa endangerit as, without spedy remeid be providit, it may be the occasioun of mony and grite inconvenientis," finds "nane of his effearis mair requisite quhairupoun the taxatioun of his saidis propir landis salbe imployit nor upoun the quieting of the saidis Bordouris"; and, accordingly, it is ordained that the said taxation shall be uplifted, and that the same shall be assigned to Johnne Carmichael of that Ilk, warden of the West March. The tax is to be delivered to him by 1st October next; and, "for mair suir payment of the same," it is ordered that "thair be upliftit of every pundland within this realme of his Majesteis propir landis foirsaidis thretty shillingis money."

Page 215. Edinburgh, 20th June. Order to denounce Alexander Burrell, Robert Lothian, and John Whyte.

Complaint of Mr David Guthrie, advocate, as follows:—In March last, "he being within the toun of Kirkaldy, lugeit within the house of Johnne Quhyte thair, and having ressavit the sowme of sax scoir pundis money fra certane his creditouris," he had, "upoun ane confidence of the honnestie and sufficiencie of the said Johnne Quhyte, deliverit the same sowme to him, to have bene kepit quhill his returning fra certane pairtis in Angus quhairunto he wes then agaitward, assuiring him selff, like as the said Johnne faithfullie promittit, to deliver to the said complenair the sowme foirsaid at his returning." But, "eftir the said complenair had performit and outred his adois in the pairtis foirsaidis," and had "returnit bak to Kirkaldy and requirit deliverie of the sowme foirsaid fra the said Johnne," the said Johnne had refused the delivery, "alleging that he had disponit and putt the same away." On this the said complenair had "meanit himselff to James Litiljohnne, baillie of Kirkaldy, requiring that he mycht have cautioun of the said Johnne for payment to him of his said soume, or that uthirwayes he mycht be committit to warde, conforme to the accustumat ordour observit within burgh." But the said James Littiljohnne "not onlie refused sa to do and denyit the said complenaris justice in the premissis, bot, be his permissioun and ouersicht, causing, command and hounding oute, Alexander Burrell, Robert Loutheane, and Robert Quhyte, youngar, son to Michael Quhyte, all burgessis of Kirkaldy, violentlie and perforce tuke the said Johnne Quhyte, and convoyit him furth of the said toun and fredome thairof, and cruellie hurte and woundit the said complenair in his face, to the effusioun of his blude in grite quantitie."—The said Burrell, Loutheane, and Johnne Quhyte had been charged to answer; and now, the complainer appearing personally, but the respondents failing to appear, the Lords order them to be denounced rebels.

Page 216. Duke of Lennox against Mr James Heron.

Charge having been given by Ludovik, Duke of Lennox, to Mr James Hering, provost of Methven, Johnne Hering, his brother, James Hering, his brother's son, Andro Mairshael in Perth, and Alexander Campbell there, to appear before the Council this day to answer to a complaint by the Duke, touching "thair allegeit cuming upoun the nynt day of Junii instant to the duelling houssis of Issobell Stoddart, relict of umquhile Robert Knok in Methven, and Hew Stoddart, tennentis to the said Ludovik, and be force breking of thair durris and awaytaking furth of the

same, by all ordour of law and justice, of xlv bollis victuaill quhilk wes appointit to have bene deliverit to him for his fermes of the terme of Witsonday last bipast," the said Mr James Hering appears for himself and for his colleagues foresaid, but the Duke fails to appear. The Lords, therefore, remit the matter to the judges ordinary. Acta 1587-89.

Band for William Hamilton in Hallmyre.

Registration, by Johnne Haliday, advocate, as procurator for the parties, of a band of caution in £500 by James Tuedy of Drummelzeair for Williame Hammiltoun in Halmyre, that Johnne Hammiltoun of Coithcot, Richard Hammiltoun, his son, and Alexander Gudefellow, with their servants and tenants, shall be harmless of the said Williame. Subscribed at Edinburgh, 20th June 1589, before Adam Tuedy of Dreva and Alexander Tuedy of Mot.

Caution for Forrester of Garden and his son.

Caution by Archibald Sterling of Keir for Alexander Forrester of Garden in £2000, and for James Forrestair, his eldest son, in £1000, that they will not harm Williame, Commendator of Pettinweyme, his tenants or servants.

Forrester's obligation for relief of his surety.

Registration, by James Stirling, advocate, as procurator for the Laird of Garden, of a band to the effect that, the "richt honnourable Schir Archibald Sterling of Keir, knycht," having become cautioner as in last entry for Alexander Forrestair of Garden, the said Alexander obliges himself to relieve the said knight of the said caution. Subscribed at Striviling, 17th June 1589, before Mr James Pont, commissary of Dunblane, Johnne Forrestair, the said Garden's brother, Johnne Forrester, his servitor, and Johnne Adamesoun. Page 217.

Caution for Robert Forrester and others.

Caution by Robert Forrestair of Boquhane and Johnne Shaw of Broich for Robert and Johnne Forrestaris, brothers of Alexander Forrestair of Garden, Johnne Forrestair, son of the said Alexander, and James Forrester in Wanles, in £100 each, that they will not injure Williame, Commendator of Pittinweyme.

Caution for Hew Ramsay and John Mitchell.

Caution by Hew Ramsay of Craig and Johnne Mitchell there, as principals, and Captain Andro Bruce of Carsbruik and Johnne Dog in Poithill, as sureties for them, in 200 merks each, that James Eynoch in Craig shall be harmless of the said principals,—Alexander Bruce, notary public, subscribing for the principals and sureties, "becaus we can not write."

Edinburgh, 21st June.

To denounce James Stewart for intruding into the manse of Dalmeny.

Complaint by the parishioners of Dummany, and Mr Walter Tully, minister at the kirk thereof, as follows :—"It is nocht unknawne to the maist pairt of the Prevey Counsaill how that James Stewart, bruthir to Hary Stewart of Cragyhall, in the moneth of last bipast, violentlie and perforce intrusit himselff in the hous callit the vicaris hous of Dummany, quhilk is the propir mans and hous quhairin the ministeris quhilkis servit at the said kirk maid thair residence, and how that the same hes bene wranguslie retenit and possest be him sensyne and as it is yit; and, albeit sindrie of the saidis complenaris, and cheiflie the said Mr Walter, hes divers tymes of lait requirit the said James to remove and mak the same patent, to the effect he may entir and mak residence thairin for the Page 220.

Acta 1587–89. bettir discharge of his functioun, nochtwithstanding the said James not onlie refusit and still refuissis sa to do, avowing that he will still retene the same, bot utherwayes troublis and stoppis the said parrochynnairis in the payment-making of the fructis and dewiteis of the said vicarage to the said Mr Walter, to quhome the same propirlie appertenis; sua that, in default thairof, the said Mr Walter salbe constrainit to leave the said charge, and thairthrow the saidis parrochynnaris salbe destitute of the conforte of the worde of God, without his Majestie and Lordis of Secreit Counsaill provyde sum remeid."—The parishioners and minister appearing by William Peblis, their procurator, but Stewart failing to appear, the Lords ordain Stewart to be denounced rebel.

Page 218. Caution in 4000 merks by Johnne, Master of Forbes, as principal, and Johnne Gordoun of Pitlurg, as surety for him, that Alexander, Master of Elphingstoun, his goods and gear, with his tenants and servants, inhabitants of his lands and barony of Kildrymmie, shall be harmless of the said principal. Caution for Master of Forbes.

Caution in 500 merks by Johnne Hume, portioner of West Restoun, as principal, and Williame Auchincraw (Craw), portioner of Swynwode, as surety for him, that Williame Hume of Aytoun and Williame Hume of Prandergaist shall be harmless of the said Johnne. Edinburgh, 23rd June. Caution for John Home.

Caution by Williame Auchincraw, portioner of Swynwode, as one of the principals, and Johnne Hume, portioner of West Restoun, as surety for him and for George Craw in Eist Restoun, James Craw, Petir Craw, Patrik Wardlaw, called Laird Wardlaw, Williame and Nicol Paxtounis, and James Craw of Gunnisgrene, in 500 merks each, that Williame Hume of Aytoun and Williame Hume of Prandergaist, with their tenants and servants, shall be harmless of the said persons. Caution for William Craw and others.

Caution in 6000 merks by Hary Stewart of Cragyhall, as principal, and Archibald Naper of Marchinstoun (Arnbillie), James Setoun of Touch (Tullibody), and Wiliame Stewart of Caverstoun, as sureties for him, that the said Hary shall appear before the Council and answer to "sic thingis as salbe layed to his charge," when required upon 15 days' warning. Edinburgh June. Caution for Harry Stewart of Craigyhall.

Page 219. Complaint by Mr Thomas Lyoun of Balduky, Master of Glammis, Treasurer, and Sir Robert Melvill of Murdocairny, Treasurer-depute, as follows:—In presence of the King and Council, , Lord Saltoun "not onlie confessit bot publictlie wes dilait to have bene in cumpany of George, Erll of Huntley, Francis, Erll of Erroll, David, Erll of Craufurd, and uthiris thair compliceis, and to have borne armes with thame, and uthirwayes assisted thame in thair lait tressonable interprissis," and, "albeit as yit he hes not obtenit his Hienes remissioun, respett, nor na uthir grace nor pardoun, yit hes he sensyne repairit and still continewis in repairing to and fra in all publict pairtis and placeis of this realme; like as he hes remanit a certane space bigane, like as he dois yit, within this Edinburgh, 28th June. Order to denounce the Lord Saltoun for not having taken out his remission for his concern in the late rebellion.

burgh of Edinburgh, not spairing to cum in his Majesteis presence, nawayes acknaulegeing his offens, nor yit craving his Hienes pardoun and mercy for the same, comtempnand thairby his Hienes lait Act and proclamatioun."—The complainers appearing by Mr George Tod, their procurator, the respondent, failing to appear, is to be denounced rebel. Acta 1587–89.

Caution for Thomas Souter and his son.

Caution by Johnne Pennycuke of Dungarthill for Thomas Soutair in Chappeltoun in 1000 merks, and for Williame Soutair, his son, in 300 merks, that they will not injure Johnne Bayne in Tullimedy, his tenants or servants,—John Andro, Clerk of Council, subscribing for the said Johnne, "becaus I can not write."

Caution for Gordon of Lochinvar and Gordon of Barskeoch.

Caution in 20,000 merks by Williame M°Culloch of Mertoun for Sir Johnne Gordoun of Lochinvar and Alexander Gordoun of Barskeyoch, that Uthred M°kdouell of Garland, Uthred M°kdouell, his son and apparent heir, and Andro M°kdouell, his brother, shall be harmless of them till 12th August next.

Caution for Thomas and James Inglis.

Caution by Robert Hammiltoun, younger of Sillertoun (Neutoun), for Thomas and James Inglissis, brothers to the late Gilbert Inglis of Murdingstoun, that Jeane Hammiltoun, Lady Murdingstoun, shall be harmless of them, under a penalty of 300 merks for either,—the said principals and Johnne Watt, burgess of Edinburgh, becoming cautioners in relief. Page 220.

Edinburgh, 30th June.

Caution for Lord Drummond and others.

Caution by George Drummond of Balloch for Patrik, Lord Drummond, in 1000 merks, and for Andro Drummond of Strogaith and George Drummond *alias* Gawine Drummond, in £500 each, that Thomas Fayrie in Craigmakerane, Patrik Mertine there, and Alexander Dog there, shall be harmless of them.

Edinburgh, 2nd July.[1]

Sederunt—Cancellarius; Coldenknowis; Culrois; Barnbarrauch; Clericus Registri. Page 221.

Protest in favour of Mr James Pitcairn, minister of a parish in Shetland.

Mr James Pitcarne, minister and vicar of Northmewing, appears and produces a copy of King's letters, dated at Haliruidhous, 22nd January last, by which he had been summoned, at the instance of the parishioners of Northmewing in Zetland, and of Johnne Mowatt, son of Andro Mowatt of Hugoland, "undir foude" of Northmewing, to appear before the Council upon 17th June last, "to have ansuerit to the complaint maid be the saidis persewaris aganis him, be troubling and oppressing of thame throw his avaricious and undecent behaviour, evill lyffe and conversa-

[1] This day the King arrived in Aberdeen on the visit of which he had given notice (*ante*, 394). He was to hold justice-courts for fining or otherwise compounding with those Aberdonians and other northland men who had joined Huntly, Errol, and Crawford in their insurrection and made the demonstration at the Bridge of Dee in the preceding April (*ante*, p. 371). He had no sooner arrived than the lords-compositors and judges to whom he had deputed the business were at work upon it. In the following entries in the Register for some time, it will be observed, there are minutes both of the Council at Aberdeen, and of the part of the Council that had been left in Edinburgh.

Acta 1587-89. tioun." The said day being now past, and the pursuers not having appeared personally or by deputy, the said Mr James protests that he shall not be held to answer in the said matter till he is again summoned and his expenses are refunded. The Lords admit the protest, and ordain that, "in respect of the far distance of his duelling place and residence, and difficultie of passing in the winter seasone," no new letters shall be directed against him in the matter before 31st May next, and also "that the caussis of the said complaint aucht first to be cognoscit be the Generall Assembley or utheris haveand commissioun in ecclesiasticall caussis."

Caution for Henry and Gawin Horner.

Caution by Henry Hoirnair, as principal, and Walter Gledstanes of Kelwodecraig, as surety for him and for Gawine Horner, in £100 each, that Thomas Kirkpatrik of Closburne, his tenants and servants, shall be harmless of the said Henry and Gawine till 15th August next,—James Greir in Auchingillot and the said principal becoming cautioners in relief. Mr George Tod subscribes the obligation for James Greir and Henry Horner, who cannot write.

Page 222.

Caution for James Eirnoch in the Craig.

Caution in £200 by James Campbell, fiar of Ardnigowane, for James Eirnoch in the Craig, that Hew Ramsay and Johnne Mitchell in Craig, with their tenants and servants, shall be harmless of him,—Mr George Tod, notary public, subscribing for James Eirnoch, "becaus I can not write myselff."

Edinburgh, 4th July. Caution for Adam Henderson.

Caution by Williame Hammiltoun in Halmyre for Adam Hendirsoun, ploughman in the Bogend, that he shall find caution before the Council upon 23rd July instant not to harm Johnne Hammiltoun of Coitcoit, Richard Hammiltoun, his son, or Alexander Gudefellow, his servant,—Mr George Tod, notary public, subscribing for the said Adam, who cannot write.

Aberdeen, 6th July, Caution for James Kincavil.

Caution in 500 merks by James Kincavill, burgess of Monrois, as principal, and Archibald Wode, burgess of Abirdene, as surety for him, that the said James's ship, "callit the Blak Lyoun of Monrois," shall be furthcuming to all having interest.

Aberdeen, 7th July. Cautions for George Drummond and others.

Caution by Andro Haliburtoun of Dalmoyis for George Drummond, apparent of Blair, in £1000, and for Robert M^cRichie in Glenshie, in £500, that they shall answer before the Council upon 4th October next to such things as shall be laid to their charge.

Caution by Robert Irwing of Murthill for Gilbert Irwing, brother to the Laird of Drum, Mr Richard Irwing, Johnne Irwing of Kingcoussy, Andro Irwing, his son, Mr Gilbert Ros and James Ogstoun, servitors to the Laird of Drum, that they shall pay to the provost and bailies of Abirdene "sic sowmes of money as thay ar burdynnit with for thair pairtis of the lait taxatioun imposit upoun the inhabitantis of the said burgh and payit be thame to the Erll Mairshael," in case it shall be found that they ought.

Registration, by Mr Thomas Gilbert, advocate, as procurator for the parties,

Aberdeen, 8th July. Band for Uthred McDowall of Garthland and others.

of a band of caution by Uthrid M°kdowell of Garthland, as one of the principals, and Patrik Mure of Cloncard, as surety for him, and by the said Uthrid and Patrik, as sureties for Uthrid M°kdouell, younger of Garthland, Johnne M°kdouell of Knoknicroshe, Gilbert M°kdouell of Balcar, Uthrid M°kdouell of Clochshank, Patrik M°kdouell, tutor of Derregill, and Alexander Kennedy of Shynanis, that Marione Gordoun, relict of Thome M°krekan in Barnesheill, shall be harmless of the said Uthrid M°Kdouell of Garthland, under the penalty of £1000, and of each of the remanent persons foresaid, under the penalty of £500. Subscribed at Cloncard, 25th June, before Hew Campbell of Killoch, younger, Mr Hew M°kdouell, son of the said Uthrid, Thomas Mure of Cloncard, younger, Johnne Agnew, servant to the said Uthrid. Acta 1587–89. Page 223.

Edinburgh, 9th July. Band for Alexander Stewart of Garlies.

Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band of caution in 2000 merks by Johnne Maxwall of Mureith for the "richt honnourable" Alexander Stewart of Garleis, that the tenants and servants of Andro, Master of Uchiltree, dwelling upon the lands of Portarrik, Quhytehillis, and Crugiltoun Castle, lying within the shire of Wigtoun, shall be harmless of the said Alexander, conform to the King's letters dated at Edinburgh 11th June 1589. Subscribed at Glassertoun, 4th July. Page 224.

Aberdeen, 10th July. Caution for Patrick Cheyne of Esslemont.

Caution in £2000 by Johnne Pantoun of Pitmeddane for Patrik Cheyne of Essilmonth, that Johnne Keith, fiar of Troupe, shall be harmless of him, and also that the said Patrik shall remain within his "awne lugeing" till "ordour be tane be the prevey Counsaill anent the lait accident quhilk happynnit betuix him and the said Johnne."

Caution for John Keith, fiar of Troup.

Caution in £2000 by Alexander Hay of Delgatty for the said Johnne Keith to the same effect.

Aberdeen, 14th July. Caution for John Stirling.

Caution in 300 merks by Thomas Frasair of Durris for Johnne Stirling, *alias* Dryburgh, that he shall answer before the Council upon 28th July instant to such things as may be laid to his charge.

Edinburgh, 15th July. Charge for the rendering of the house of Langnewton.

Andro Ker of Newhall, having "committit divers wicked and odious crymes," and having been denounced rebel "for his contempt and inobedience," and, "continewand in his inordinat and contemptuus rebellioun," having at last "surprisit and takin the tour and fortalice of Langnewtoun," belonging heritably to Williame, Earl of Mortoun, and, "stuffit the same tour and fortalice in weirlik maner," is to be charged, with all other withholders of the said fortalice, to remove furth of the same within six hours after being charged, under pain of treason.

Aberdeen, 15th July. Caution for Auchinleck of Shethin.

Caution in £2000 by Johnne Leith, apparent of Hairthill, and Williame Leslie of Crechie, for Williame Auchinlek of Shethin, that he shall not receive within his house any Jesuits, seminary priests, or excommunicated Page 225.

Acta 1587–89. papists, and in particular Robert Gordoun of Sawak, or his wife or bairns, while he continues rebel.—(This Act, so far as it concerns the said Robert, is deleted by a warrant, subscribed by the King, the treasurer-depute, the secretary, and the prior of Blantyre, dated at Haliruidhous, 23rd December 1595, and attested by "J. Andro.")

Edinburgh, 16th July. Bands for Bannatyne of the Grenoch and Bannatyne of Kames.

Registration, by the surety, of a band of caution in £500 by Hector Bannatyne of Kames for Donald Bannatyne of the Grenoch, that he will not harm Charlis Bannatyne of Knavislaklone. Subscribed at Edinburgh 15th July.

Registration, by Mr Thomas Craig, advocate, as procurator for the surety, of a band of caution in £1000 by Duncane M^{c}kdougall, fiar of Dunnoldych, for Hector Bannatyne of Kames, that he will not harm the said Bannatyne. Subscribed at Edinburgh, 15th July, before Allaster Bannatyne of Skarrell, Donald Bannatyne of Grenoch, and Robert Craig.

Page 226. Edinburgh, 17th July. Caution for Macdowall of Garthland and others.

Caution in 20,000 merks by Robert Gourla, burgess of Edinburgh, for Uthred M^{c}kdouell of Garthland, Uthred M^{c}kdouell, his son and apparent heir, and Andro M^{c}kdouell, his brother, that Sir John Gordoun of Lochinvar and Alexander Gordoun of Barskeoch shall be harmless of them till 12th August next. (Deleted by a warrant subscribed by his Majesty and the Chancellor, dated at Edinburgh, 11th October 1589 : John Andro.)

Assurance by Kirkpatrick of Closeburn.

Registration, by Roger Kirkpatrik, brother of the Laird of Closburne, as procurator, of an assurance in £1000 by Thomas Kirkpatrik of Closburne, for himself, his brothers, and all others for whom he is responsible, to Johnne Kirkpatrik in Dressetland, and Roger and Thomas, his brothers, that they shall be harmless of the said persons till the 1st of May 1590. Subscribed at Edinburgh, 17th July, before Thomas Fleming, *alias* King, of Luiff, and Robert Stewart.

Aberdeen, 18th July. Caution for Alexander Bog.

Caution in 500 merks by Williame Horry (Urie) of Pitfeychie for Alexander Bog in Knokreauch, that he "sall at na tyme heireftir keip cumpany nor societie with Issobell Craigmylie, nor ressave hir in his hous, furneis hir meit, drink or harbory, and that he sall satisfie the Kirk for the filthy cryme of adulterie committit be him with the said Issobell."

Edinburgh, 18th July. Caution for Margaret Douglas.

Caution in £1000 by Mr James Watsoun, portioner of Sauchtoun, for Margaret Douglas, relict of James Douglas of Knychtsrig, that she will not injure Richard Thomesoun, minister at Ratho.

Page 227. Edinburgh, 19th July. Caution for William Cochrane and Gabriel Simson.

Caution by Claud, Commendator of Paislay, and Johnne Hammiltoun of Alderstoun, for Williame Cochrane in Lynwode, and Gabriell Simsoun in Foultoun, in £500 each, that Johnne Semple in Middiltoun, and Johnne Semple, his son, shall be harmless of them,—Thomas Inglis, notary public, subscribing for the principals, who cannot write. The witnesses are Mathew Stewart of Bavellay, Mathew Baillie, son of the late Alexander Baillie of

Littilgill, Johnne Hammiltoun, called of Cammiskeith, James Hammiltoun, apparent of Garan, Johnne Hamiltoun, called of Shatoun, and Daniel Hay, son of Alexander Hay of Eister Kennett, clerk of the King's Register. Acta 1587-89.

Edinburgh, 25th July. Band for William Home of Ayton.

Registration, by Mr Johnne M^c^kgill, advocate, as procurator for the surety, of a band of caution and lawburrows in £1000 by Alexander Hume of Huttounhall for "ane honnourable man," Williame Hume of Aytoun, that he will not harm Patrik Wardlaw in West Restoun, George Auchincraw in Eist Restoun, Patrik Craw there, Nicol Paxtoun in West Restoun, or Williame Auchincraw there. Subscribed at Hundwod and Huttounhall, 21st July, before Williame Merill (?), James Watsoun, and Alexander Sheill, servitors to the Laird of Aytoun.

Caution in £2000 by Alexander Irwing, younger of Drum, for Alexander Gordoun, younger of Abirzeldy, that he shall answer before the Council upon 2nd August next to such things as shall be laid to his charge.

Aberdeen, 28th July. Caution for Alexander Gordon.

Caution in £1000 by Johnne Kirkpatrik of Ellisland, as principal, and Williame Baillie of Bagbie, as surety for him, that he will not harm Thomas Kirkpatrik of Closburne, his tenants or servants. Page 228.

Edinburgh 31st July. Caution for Kirkpatrick of Ellisland.

Caution to the same purpose in £300 by Roger Kirkpatrik in Gladaneholme, as principal, and Walter Gledstanes of Kelwodcraig (of that Ilk), as surety for him,—the said Roger and Johnne Kirkpatrik of Eleisland becoming cautioners in relief.

Caution for Kirkpatrick in Gladaneholm. Caution for Kirkpatrick of Auldgirth and others.

Caution to the same purpose by Roger Kirkpatrik of Auldgirth in £1000, Robert Kirkpatrik, his son, and Johnne Kirkpatrik, son natural to the said Roger, as principals, in £300 each, and by Williame Baillie of Bagbie as surety for them,—Johnne Kirkpatrik of Eillisland, Walter Gledstanis of Kelwodcraig, and Roger Kirkpatrik of Auldgirth, becoming cautioners in relief.

Caution for Roger Kirkpatrick.

Caution to the same purpose in £300 by Roger Kirkpatrik, brother of Johnne Kirkpatrik of Eillisland, as principal, and Williame Baillie of Bagbie, as surety for him.

Aberdeen, 31st July. Caution for Donald Moir.

Caution in 1000 merks by Walter Innes of Innerbraky and Johnne Ros of Muldarg for Donald Moir, burgess of Tayne, that he will not harm Andro Cryistie, burgess of Tayne. Page 229.

Aberdeen, 1st August. To denounce John Ross of Ballivat and others.

Johnne Ros of Ballivat, David Ros and Walter Ros, father-brothers to the late Hucheoun Ros in Aulderne, Allaster M^c^Williame V^c^Allaster Roy, Allaster Brabnair in Narne, and Allaster M^c^Agie Birgair, for not appearing this day as charged, to answer "tuicheing the cruel murthour of the said umquhile Hucheoun Ros, quhairof thay ar dilait and suspect," are to be denounced rebels.

Caution for Mackintosh of Dunachtan

Caution in 10,000 merks by Lauchlane M^c^Intoshe of Dunnauchtane and Mr Hector Monro of Foullis, as principals, and Alexander Gordoun,

Acta 1587-89. apparent of Abiryeldy, as surety for them, that they shall produce before the Justice in the tolbooth of Edinburgh upon 28th October next the King's letters executed against such persons as are "appointit to be upoun the tryale and assise of Katherene Ros, relict of umquhile Robert Monro of Foullis," and also "that the saidis Lauchlane and Mr Hector sall insist in persute of hir to the uttermost upoun the same day for sic crymes quhairof sho is dilait and accused, without schift, excuse or delay."—(See *ante*, p. 392.)

and Munro of Foulis, that they will prosecute Lady Foulis to the utmost.

Caution by Mr Hector Monro of Foullis, as principal, and Alexander Gordoun, apparent of Abiryeldy, as surety for him, that the said Mr Hector, —who is appointed to intromit with the rents of the said Katherene till she be tried of the crimes laid to her charge,—shall pay to her 40s. daily out of his intromissions for her expenses in ward, whether in any of the King's castles or elsewhere, till the said trial be taken, beginning upon 2nd August instant; and farther, that the said Mr Hector shall account to her, in case she shall be found innocent, for any sums of money, maills, or duties to be intromitted with by him after the date hereof, over and above the daily sum foresaid.

Munro of Foulis to pay Lady Foulis 40s. daily for her expenses till she is tried.

Aberdeen, 2nd August. Caution for John Gordon and his son.

Caution by Johnne Gordoun of Kennedy (?Kennerty), and Williame Gordoun, his son, as principals, in £2000 each, and by Johnne Grant of Freuchy, Johnne Levingstoun, younger of Dunnypace, and Donald Ferquharsoun of Tulligarmond, as sureties for them, that they will not harm Mr Williame Leslie of Sevilie, or his servants and tenants of his lands of Sevilie.

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Aberdeen, 4th August.

Sederunt—REX; Angus; Mar; Altrie; Dingwell; Thesaurarius; Clericus Justiciarie; Murdocairny; Culluthy.

Act in favour of the burgh of Aberdeen, with absolution for its compulsory reset and furnishing of the rebel earls.

"Forsamekle as it is undirstand to the Kingis Majestie and Lordis of his Secreit Counsaill that George, Erll of Huntley, Francis, Erll of Erroll, and David, Erll of Craufurde, in the moneth of Aprile last bipast, repairit within the burgh of Abirdene, with sic a force of his Hienes subjectis in armes as the provest, baillies and inhabitantis of the said burgh, wer not able at that tyme to resist, bot, for eshewing of mony and dangerous inconvenientis, cheiflie the rasing of fyre, birning and distructioun of thair houssis, exponing of thair guidis in pray, bereving of thair lyveis, and sindrie utheris violenceis quhairwith thai wer threatned, in end compellit not onlie to grant ressett to the saidis Erllis and thair compliceis within thair said toun, bot utherwise to supporte and furneis thame, aganis thair willis, and upoun na deliberat mynd ather to allow and approve thair tressonable dealing, nor yit to participat with thame thairin, continewand alwayes thair affectionat myndis towardis his Hienes, as thay and thair predicessouris had at all tymes done to his Majestie and his predicessouris of befoir,—quhairof his Hienes, immediatlie eftir his repairing to the said burgh, finding gude and sufficient prufe, not onlie be [thair?] advanceing and delivering to George, Erll Mairshael, be his Hienes commandiment, of

divers grite sowmes of money, bot als in thair personall service and reddines to the advancement of his Hienes authoritie and service, cheiflie aganis the saidis Erllis and thair compliceis, besydis the furnissing of werkmen, with thair werklumes, and sindrie utheris preparationis for the dimolissing and douncasting of thair houssis and strenthis;—his Majestie, thairfoir, accepting and allowing of the bipast behaviour of the saidis provest, baillies and inhabitantis of the said burgh, thair constant and affectionat myndis towardis his Hienes at all tymes, hes decernit and declairit and, be thir presentis, with advise of the saidis Lordis of his Secreit Counsaill, decernis and declairis, thame and every ane of thame to be free and unaccusable for thair ressett and furnissing grantit to the saidis Erllis and thair compliceis in maner and at the tyme foirsaid; like as his Majestie, with advise of the saidis Lordis, remittis, renunceis and dischargeis all actioun and caus criminale and civile quhilkis his Hienes had, hes, or ony wise may have, aganis thame for the samin: exonering thame be thir presentis off all pane and dangeir that may be imputt to thame thairthrow for evir; dischargeing his Hienes justice, justice-clark, thesaurair, advocatis, and all utheris his officiaris and ministeris of his lawis, off all calling, accuseing or onywayes proceding aganis thame for the samin, and of thair offices in that parte: and that thir presentis be als sufficient for the suretie of thair lyveis, landis, guidis, and previlegeis, as giff the samin wer past undir his Hienes grite seill in forme of remissioun with all solempniteis requisite, or as giff thay had bene ordourlie acquite of the samin be ane assise befoir the justice or his deputis." Acta 1587–89.

Earl of Errol pardoned for his rebellion.

His Majesty, having "remittit his richt traist cousing and counsallour, Francis, Erll of Erroll, Lord Hay, his lait offens committit be him," and taken him under his special protection, now, with advice of the Secret Council, grants the said Earl liberty to "mell and intromett" with such of his goods as are yet extant, for which intromission he shall not incur "ony pane, skaith, actioun nor dangeir of spuilyie." Page 231.

Gordon of Pitlurg declared innocent of the late rebellion.

As Sir Johnne Gordoun of Pitlurg, who had remained "apairt and at hame for the maist pairt during all the tyme of the lait attempt committit at Abirdene be the Erllis of Huntley and Erroll and thair compliceis," and had nevertheless been charged to answer for the same before the Council at Edinburgh and the Justice in the present justice air, "hes comperit, offering himselff reddy to abyde the law, and wes past fra be the Justice and Lordis compositouris in the said air, as innocent," it is now declared, accordingly, that he is "clene of all suspitioun of the said cryme and attempt," and the justice, justice-clerk, treasurer, advocate, and their deputes, are discharged from all farther proceedings against him in that matter.

Caution for James Forbes of Corsindae.

Caution in 1000 merks by James Forbes of Corsindae, as principal, and Thomas Frasar of Knokky, tutor of Lovatt, as surety for him, that he will not harm Marioun Cadell, relict of Alexander Forbes of Braidhauch, her bairns, tenants, or servants.[1]

[1] These minutes of the Council ending at Aberdeen on the 4th of August, with the King personally present, wind up that progress of the King in the north which had now

Acta 1587–89. Caution by Thomas Kirkpatrik of Closburne, as one of the principals, and James Lokhart of Leyis (James Lokhart of Lie, younger), as surety for him, and for Thomas Padzeane of Newtoun, David Johnnestoun in Cubhill, Johnne Williamsoun in Watterheid, Williame, Roger, Samuel, and Daniel Kirkpatrikis, brothers to the said Thomas, Roger, Symon, Thomas and Alexander Padzeanis, sons of the said Thomas, and James Quintene, servant to the said Thomas, that Johnne Kirkpatrik of Ellisland, Page 232. Roger Kirkpatrik, his brother, Roger Kirkpatrik of Auldgirth, Robert Kirkpatrik, his son, and Johnne Kirkpatrik, son natural to the said Roger, shall be harmless of the said persons,—the penalties to be £1000 for the Laird of Closburne, £200 for each of his brothers, £500 for Thomas Padzeane of Newtoun, and £100 for the rest. Edinburgh, 5th August. Caution for Kirkpatrick of Closeburn and others.

Caution in £500 by Andro Brady, fiar of Casteltoun, as principal, and George Drummond of Balloch, as surety for him, that he will not harm his father, David Brady. Edinburgh, 7th August. Caution for Andrew Brady.

Caution in £10,000 by Sir Johnne Ker of Hirssell, as principal, and James Lawsoun of Humbie, as surety for him, that the said Sir Johnne shall appear before the Council upon 10th August inst. Caution for Ker of Hirsel.

Registration, by Mr Williame Oliphant, advocate, as procurator for the parties, of a band of caution by Williame Portarfeild of that Ilk for Williame Cunynghame, fiar of Glengarnok, in £1000, and for Johnne (of Caddell), Robert (of Quarreltoun), Hew (of Gremen), George (of Haycht), and David Cunynghames, his brothers, in 500 merks each, that Johnne, Earl of Mar, Page 233. donator of the escheat of Johnne Houstoun, apparent of that Ilk, Margaret Stirling, his spouse, conjunct fiar of the lands of Baglas and Houstounglen, Johnne M°Clay, Thomas Lennox, and the other tenants of the said lands, shall not be molested by the said persons. Subscribed at Glasgu, 12th August 1589, before Alexander Cunynghame of Corshill, Arthour Colhoun, Mathew Heriott, servitors to the said Williame Portarfeild, and Hew Blair, notary. Edinburgh, 14th August. Band for Cunningham of Glengarnock and others.

Sederunt—Cancellarius; Coldenknowis; Clericus Registri; Computorum Rotulator; Collector; Barnbarrauch; Magister Petrus Young. Edinburgh, 15th August.

Walter Scott of Goldelandis, James Gledstanes of Coklaw, Robert Ellott To denounce Walter Scott of Goldielands and other border lairds.

lasted a month. He had not, however, been all that time in Aberdeen. After having remained there some days in the beginning of July to open the business of the Justice Courts, he had extended his expedition as far as the Chanonry of Ross, Inverness, and Cromarty, hunting and seeing new scenes. He "returned to Aberdeen the 21st of Julie," says Calderwood, "where he stayed five dayes. When he was upon the point of returning, the Erle of Erroll, the Lairds of Auchindoun, Balquhan, and Clunie, with others of the surname of Hay and Gordoun, came in to the King, and were received in favour upon compositioun" (v. 59). This accords strictly with the Register, save that Calderwood's "21st of Julie" seems a mistake for "31st of Julie." The King was in Aberdeen till the 4th of August, when two of his last acts there were the Act of General Indemnity to the Aberdonians and the Act in favour of the humbled Errol.

of Reidheuch, Scott of Glak, Richard Ruthirfurde of Edzarstoun, Acta 1587–89. Williame Douglas of Cavers, sheriff of Roxburgh, James Douglas, his son and apparent heir, George Turnbull of Halroule, Gawine Ellott of the Stobbis, Martine Ellott of Braidley, Johnne Ruthirfurde of Hunthill, Johnne Turnbull of Mynto, Johnne Shewill of Kirkknow, and Walter Turnbull, son of the late Thomas Turnbull of Bedreule, having failed to appear this day before the Council as charged, "to have gevin thair gude advise anent the gude reule and quietnes of the Bordouris," are to be denounced rebels.

To denounce Mr Alexander Leslie.

Mr Alexander Leslie, of the Peill and parson of Kincardin, having failed to appear before the Council "to have ansuerit to sic thingis as suld have bene inquirit of him," is to be denounced rebel.

Suspension of horning against Kirkpatrick of Closeburn.

Complaint by Thomas Kirkpatrik of Closburne, as follows:—Johnne Page 234. Kirkpatrik in Dressetland, and Thomas and Roger, his brothers, "have obtenit ane prevey charge undir his Majesteis subscriptioun, outwith Counsaill, and by his Hienes previtie or knaulege," requiring the complainer, within six hours after being charged, to subscribe a form of assurance in favour of the said persons (*ante*, p. 403): "like as, for allegeit dissobedience, thay have alreddy, at the leist intendis, upoun plane malice, to caus denunce him rebell and put him to the horne." The process is unjust and ought to be suspended, inasmuch as, after complaint made by the said persons that he had "committit and done oppressioun upoun thame," and after they had obtained letters of lawburrows against him and certain others, he had duly found caution that he would not injure them (*ante*, p. 383). He had, moreover, "subscrivit ane assuirance to the said Johnne." The order to subscribe the new assurance is therefore "maist surreptitiouslie purchest be suppressing of the veritie, contrair the practique," besides being "maist privatlie purchest, outwith Counsaill, and by his Majesteis and the saidis Lordis previtie or knaulege."—The complainer appearing personally, but the respondents failing to appear, the Lords do suspend the letters.

Decree against Andrew Ker of Fernihirst.

Suit by Thomas, Master of Glammis, treasurer, Sir Robert Melvill of Page 235. Murdocairny, treasurer-depute, and Mr David M°kgill of Nesbit, King's advocate, as follows:—In a court of justiciary held in Edinburgh in last, Robert Frasar of Ovirtoun, accused of resetting Robert Turnbull of Barnhillis, James Turnbull of Stannyleche, George Turnbull of Bullerwell, Watt Turnbull of Hoppisburne, James Davidsoun of Birnyrig, Johnne Scheill of Kirknow, and Andro Frasair of Ovirtoun, rebels, had "become in his Majesteis will for the same." After having been detained in ward in the tolbooth of Edinburgh till his Highness's will should be declared, he had been released,—Andro Ker of Phairnyhirst becoming surety for him in 500 merks that he should remain in the burgh of Edinburgh "quhill he had found cautioun within the boundis of Loutheane for satisfactioun of his Majesteis will foirsaid." Nevertheless, the said Robert Frasair had departed home, and the said caution is not yet found: wherefore the said Andro has incurred the said penalty.—Robert Frasair, as principal, and Andro Ker, as his surety, having been charged to answer,

Acta 1587-89. and the pursuers now appearing by Mr George Tod, their procurator, and the said principal appearing personally, but the said Andro failing to appear, the Lords decern the said Andro to have incurred the said penalty of 500 merks.

Caution for John Boswell of Baglalie and his son.

Caution by Johnne Boiswall of Balmuto for Johnne Boiswall of Baglalie in 1000 merks, and for Johnne Boiswaill, younger, his son, in £500, that Archibald Arnote in Falkland, heritor of the Kirkland of Kinglassy, and his mother, tenants, and servants, shall be harmless of them.

Caution for Hamilton of Raploch.

Caution in £2000 by Claud Hammiltoun of Cochno for Gawine Hammiltoun of Roploch, that he will not harm Adam Hall of Foulbar, or Mr Williame Hall, his son.

Page 236.

Edinburgh, 16th August. Caution for Loraine of Harwood.

Caution by James Langlandis of that Ilk for Edward Lorane of Harwode, that he shall relieve the King and his wardens at the hands of the opposite wardens for all "attemptatis" committed by him and those for whom he is bound, and that he and they shall appear before the King and Council when required, upon six days' warning, under the penalty of payment of the "single and double availl of the bill or billis" wherein he and they shall be filed. John Andro, Clerk of Council, subscribes for the said James Langlandis, "becaus I can not write."

Edinburgh, 17th August. Band for Lord Herries and others.

Registration, by Johnne Haliday, advocate, as procurator for the parties, of a band of caution by James Maxwall of Terqueir, Petir Maxwall of Braidleis, and Johnne Maxwall of Corswady, for Williame, Lord Hereis, in 1000 merks, and for George Edyair in Gribtoun, David Edyair, his son, David Haning, Alexander Haning, Bessie Calie, Johnne Haning, her son, David Haning, son to the late Williame Haning, David Haning, called Young David, George Welche, Johnne Frissell, Johnne Haning, called Lang Johnne, sometime tenants of the lands of Over and Nether Gribtonis, in 200 merks each, that Elizabeth Maxwall, Lady Glencors, Thomas Rorisoun in Cauldsyde, and Gilbert Roresoun, his brother, shall be harmless of the said persons, conform to certain letters dated at Edinburgh, 21st May 1589. Subscribed at Drumfreis, 15th August 1589, before James Maxwall, brother natural of the said Lord Hereis, Johnne Hereis in Riddingis, James Murray of Irnealmery, George Hereis in Rythis,—Johnne M°kgy, notary public, subscribing for the said Petir Maxwall.

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Edinburgh, 18th August. Caution for Mr Andrew Grahame.

Caution by Johnne Erskin of Logy for Mr Andro Grahame, portioner of Eister Kynneff, in £500, for Robert Grahame, his son, in £100, and for Johnne Arbuthnott in Halhill, his "guidsone," in £200, that Johnne Moncur of Slanes, and Dand Moncur, his brother, fiar thereof, shall be harmless of the said persons.

Edinburgh, 19th August.

Registration, by Mr George Mackesoun, advocate, as procurator for David Forrestair of Logy, of a band of caution in £500 by the said David for David

Band for David Bradie of Castleton.

Bradie of Casletoun, that he will not harm Andro Brady, his son, or the wife, bairns or servants, of the same, conform to the King's letters dated at Edinburgh 7th August 1589. Subscribed at Striviling, 16th August 1589, before Duncane Forrestair of Quenishauch, George Craufurd, baxter in Striviling, and Williame Hude, notary. Acta 1587-89.

Edinburgh, 22nd August. Caution for Drummond of Carnock.

Caution in £3000 by James Lokhart, younger of Lie, for Robert Drummond, elder of Carnok, that he will not harm Margaret Scott, relict of Patrik Drummond, fiar of Carnok.

Caution for Archibald Arnot and Hector Ramsay.

Caution by Robert Ramsay, burgess of Brint Iland, and Patrik Lindsay, tailor, burgess of Edinburgh, for Archibald Arnott in Falkland and Hector Ramsay in Kinglassy, in £500 each, that Johnne Boiswaill, elder of Balglelie, and Johnne Boiswall, younger, his son, shall be harmless of them,—John Andro subscribing for Patrik and Hector, "becaus we can not wryte." Page 238.

Edinburgh, 23rd August. Band for Alexander Cunningham.

Registration, by Johnne Haliday, advocate, as procurator for the surety, of band of caution in £1000 by Neill Montgomerie of Langshaw for Alexander Cunynghame, burgess of Irwing, that Mr Alexander Forsyith, minister of Cragy and vicar of Dundonnald, shall not be troubled by the said Alexander in the uptaking of the teind herring of the water mouth of Irwing. Subscribed at Stewartoun, 21st August 1589, before Quintene Mure of Cartcloy, Alexander Stevinsoun, Johnne Stevisoun, and Johnne Neving of Kirkwode, younger.

Edinburgh, 30th August. Arrangements in favour of the Burghs, in consideration of their present grant to the King of £20,000, for the expenses of the reception of his Queen from Denmark.

"Forsamekle as the Kingis Majestie exponit and declairit to the Commissionaris of his Hienes burrowis presentlie convenit how that his Majesteis mariage wes laitlie concludit, and that the Quene his bedfellow wes hourlie luiked for to arryve, accumpanyed with certane personis of honnourable rank and estate, moving his Majestie in respect thairof to burdyn sic as wer best affectionat, and that upoun the suddane mycht advance and len to his Hienes certane soumes of money for outredding of the honnourable chargeis and expenssis requisite to the furtherance and accomplissing of this actioun; and the saidis Commissionaris, undirstanding the occasioun to be sa necessarie, tending to the honnour and estimatioun of his Majestie, this realme and commounweill thairof, hes, at his Hienes eirnist desyre, voluntarly grantit to spair and len to his Majestie the sowme of twenty thowsand pundis money of this realme; quhairof his Hienes, willing to see thame weill and thankfullie payit agane and uthirwayes to acknaulege thair guidwill accordinglie, hes, for thair bettir satisfactioun of payment, deduceit, allowit and dischargeit, and be thir presentis deduceis, allowis and dischargeis, to the saidis burrowis thair pairtis of the secund and third termes payment of the taxatioun of ane hundreth thousand pundis grantit be the Esteatis, extending the same thair pairtis to aucht thousand merkes; willing and declairing be thir presentis that it salbe lesum to thame to retene the said soume in thair awne handis, Page 239.

Acta 1587–89. nochtwithstanding ony letters alreddy direct or that heireftir salbe direct in the contrair. And, as for the rest of the said soume, extending to xx^{m} merkis, his Majestie alswa, with advise of the saidis Lordis, hes gevin, grantit, desponit and assignit, and be thir presentis gevis, grantis, desponis and assignis, samekle of the secund and thrid termes payment of the said taxatioun as will extend to the said soume of xx^{m} merkis; for payment quhairof, ordanis letters to be direct chargeing all and sindrie erllis, lordis, baronis, fewaris, freehaldaris, chalmerlanis and intromettouris with the fruitis, rentis, and deuiteis of beneficeis, and utheris addettit in payment of ony pairt of the said taxt, duelland in quhatsumevir boundis or partis of this realme, to ansuer, obey and mak payment of thair pairtis thairof, according to the taxt roll alreddy sett and gevin oute upoun the samin, to James Dalzell, burges of Edinburgh, collectour nominat be the saidis burrowis thairto, within ten dayis nixt eftir thay be chargeit thairto, undir the pane of rebellioun and putting of thame to the horne; and, giff thay or ony of thame failyie thairin, the said space being bipast, to denunce, etc., and to eschete, etc.: discharging be thir presentis Mr Johnne Colvill, collectour generall depute be a formair act to the uplifting of the said taxt, his deputis and officiaris, off all craving, ressaving or executing of ony letters aganis ony personis that salbe chargeit be the saidis burrowis for payment of thair pairtis of the said taxt, and of thair officeis in that part: providing alwayes that the said James Dalzell, collectour nominat be the saidis burrowis, mak compt of his intromissioun to the Lordis auditouris of his Hienes chekker, and payment of the superplus, gif ony beis, by and attour the said soume of xx^{m} merkis, to be deduceit and allowit of the reddiest thairof to the said Mr Johnne Colvill or his depute."[1]

Edinburgh, 31st August. Caution for Mr Andrew Abercromby and others.

Caution by Johnne Abircrumby of Skeych for Mr Andro Abircrumby, parson of Rattray, in £300, for George Abircrumby, son of Andro Abircrumby in Dunfermling, in £500, for Mr Thomas Abircrumby, tutor of Murthlie, in 1000 merks, and for Johnne Irland in Slokinhoill, Johnne Reid there, Walter Symsoun and Robert Abircrumby, servants to the said Mr Thomas, Johnne Hagart in Pittinforne and Andro Dun there, in £100 each, that Margaret Todrig, relict of Johnne Irland of Burnebane, her tenants and servants, shall be harmless of the said persons.

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Edinburgh, 1st Sept. Order for the immediate payment of the £20,000, granted by the Burghs for the expenses of the reception of the Queen.

The King and his Council considering "how that, afoir the landing of the Quene his Hienes bedfellow, now hourly luiked for to arryve, accumpanyed with certane personis of honnourable rank and estate, thair mon be present reddy siluer to deburs for bying, outredding, and furnissing of sic thingis as of necessitie mon be had for thair intertenyment during sic tyme as the solempnitie quhilk sal be used for the decoratioun of this honnourable

[1] As this order shows, the marriage of the King to the Princess Anna had already taken place by proxy in Denmark. After a good deal of negotiation by the Earl Marischal and the other envoys, it had been solemnised at the Danish Court on the 20th of August. The news had just arrived in Edinburgh, with intimation that the Queen herself and her Danish suite might be expected any day.

actioun sall indure"; and the King having to rely on the sum of £20,000 promised by the burghs for the occasion, "and finding that thay, be the inbringing and payment thairof in dew tyme, sall gritlie advance his Majesteis honnour, and utherwayes rander to his Hienes sic plesour and contentment as he suld nevir be able to forgett," and having already facilitated the loan by discharging them of the sum of 8000 merks due by them for their share of the late taxation of £100,000, and assigning to them the balance, extending to 22,000 merks, furth of the readiest future proceeds of the said tax (*ante*, p. 269),—in respect of these reasons his Majesty is moved to "burding" the Burghs with the immediate payment of the said sum of £20,000. Accordingly, the provosts and bailies of all the burghs are to be charged to pay, each of them respectively, for their own part, the said sum of £20,000 to James Dalzell, burgess of Edinburgh, collector general appointed for ingathering thereof, within ten days after being charged, under pain of rebellion; and, for their relief, they are to "elect and cheis certane personis to stent thair nychtbouris within every burgh,"—which persons are commanded to make a tax roll within 24 hours after being charged, "and, the said taxt being maid and sett, to charge thaireftir the burgessis, communitie and inhabitantis within every ane of the saidis burrowis," to pay, each of them respectively *pro rata*, their parts of the said tax to such collectors as shall be appointed, within 24 hours after being charged, under pain of rebellion. Acta 1587-89.

Order against exporting gunpowder, of which a "grite quantitie" will be needed for the Queen's fit reception.

His Majesty considering "how that, for the greitair solempnitie and decoratioun of the honnourable actioun now in handis, his Hienes will haif ado with a grite quantitie of pulder," all persons having any quantity of powder at present in hand are forbidden to sell or export any part thereof furth of the realm, and are charged to deliver the same to such persons as the King shall appoint, "for ressait thairof upoun ressonable priceis," under pain of confiscation of the powder, together with the rest of their moveables, to his Majesty's use.

Caution for Ninian Crichton.

Caution in 1000 merks by Alexander Soutair, portioner of Banchrie, for Niniane Creichtoun, portioner of Pitlandeis, that he will not harm Jeane Ruthven, Lady Strathurde, her tenants or servants,—John Andro subscribing for Alexander, who cannot write. Page 241.

Edinburgh, Sept. Band in £100,000, for Lord Maxwell, now released from his imprisonment.

Registration, by Johnne, Lord Maxwall, of a band whereby, his Majesty having been pleased, "of his favour and clemency," to release the said Lord furth of his present ward, he gives caution in £100,000 that he "sall frome this furth continew loyall and obedient subject," and shall do nothing "tending to the trouble or alteratioun of the state of religioun presentlie professit and be law establissit." Subscribed at Edinburgh Castle, September, before Johnne, Lord Hammiltoun, Sir James Hume of Coldenknowis, captain of the said Castle, Sir James Maxwell of Calderwode, and Thomas Hammiltoun.[1]

[1] This release of Lord Maxwell from his long imprisonment in Edinburgh Castle (see *ante*, p. 292 and footnote), and the release of Huntly, Bothwell, and Crawford about the same time

Acta 1587–89. Caution by Petir Cochrane of Pitfour for Margaret Todrig, relict of Johnne Irland of Burnebane, in 300 merks, and for Johnne Drummond of Smythstoun, in 500 merks, that David Young, Williame Young, Thomas Keir, Williame Foullis, and Williame Pullour, tenants of the lands of Page 242. Burnebane, shall be harmless of them. Caution by the said Peter for the said Margaret, in 500 merks, and for the said Johnne, in 1000 merks, that Thomas Abircrumby of that Ilk, and Mr Thomas Abircrumby, tutor of that Ilk, assignee to the ward and nonentry of the barony of Abircrumby and Murthlie, and their tenants and servants, shall be harmless of the said persons. Edinburgh, 6th Sept. Cautions for Margaret Todrig and John Drummond.

Registration, by Mr James Foullis, advocate, as procurator for the parties, of a band of caution, as follows;—Mr Thomas Menzeis of Durne having been charged by Mr Andro Harvy in Blairis, and James Harvy, his eldest son and apparent heir, to find caution that they shall be harmless of him, under the penalty of 2000 merks, within six days after the charge, under pain of horning, as the letters dated at Edinburgh 17th August last purport, Alexander Chalmer of Cultis now becomes cautioner in the Page 243. amount and to the effect above specified. Subscribed at Abirdene, 4th September, before James Menzeis, David Menzeis, younger, and David Robertsoun, burgesses of Abirdene, and Mr Thomas Mollisoun and James Davidsoun, notaries public. Edinburgh, 8th Sept. Band for Mr Thomas Menzies of Durne.

Registration, by Mr Johnne Dempstair, advocate, as procurator for the cautioner, of a band of caution in 1000 merks by Paull Dog of Dunrobine for Williame Dunbar of Stratheris, that he will not harm Niniane Spens in the Newlandis of Kinlos. Subscribed at Edinburgh, 9th September, before James Stewart, James Balfour, and Mr Johnne Dempstair. Edinburgh, 9th Sept. Band for William Dunbar of Struthers.

Registration, by James Suthirland, brother to Williame Suthirland of Duffus, as procurator for the said Williame, of a caution in £1000 by the said Williame for Niniane Spens of Newlandis, that he will not harm Page 244. Williame Dunbar of Strutheris. Subscribed at Carrelwode, 2nd September, before "Williame Gibsoun, burges of Elgin, Williame Suthirland, Williame Moresoun and George Gaw, my servitouris." Edinburgh, 10th Sept. Caution for Ninian Spens of Newlands.

Gawine Drummond, son of George Drummond, *alias* Gawine, appearing and making faith that he "dred harme to be done to him, his tennentis Edinburgh, 12th Sept.[1] Protest in favour of Gawin Drummond; Mungo Murray to find caution.

from their briefer wards in Borthwick Castle, Tantallon Castle, and the Castle of St Andrews (see *ante*, p. 389 and footnote), complete that series of acts of clemency to the "Popish Lords" and their associate rebels which occasioned so much comment at the time. Errol, as we have seen, had already been forgiven (*ante*, p. 406), and Montrose had not been called to account. In addition to the King's constitutional shrinking from strong measures, and his personal liking for some of the faction, he had now a special motive to clemency in the expected arrival of his Danish bride. All was to be peaceful and pleasant in Scotland, if possible, when she should step ashore.

[1] "Upon the 12th of September, Lord Andrew Keith, Lord Dingwell, and Colonell Stewart, arived at Leith, sent before to advertise the Queene was comming" (Calderwood, v. 59).

and servandis," by Mungo Murray of Feddellis, and therefore protesting that the letters raised by him against Mungo for his safety should be put to farther execution, the Lords admit the protest, and ordain the said Mungo, "yit as of befoir," to find caution, within 24 hours after he is charged, he being "presentlie in this toun," that he will not harm the said Gawine. Acta 1587–89

Caution for Abercromby of Murthlie and his tutor.

Caution by Patrik Abircrumby of Carribdin for Thomas Abircrumby of Murthlie, and Mr Thomas Abircrumby, tutor of Murthlie, in £1000 either of them, and for David Young, Williame Young, Thomas Keir, Williame Foullis, Williame Pullour, Johnne Schiphird, and Williame Lamb, tenants of the lands of Burnebane, and Thomas Young and Williame Young in Little Burnebane, in 300 merks each, that Margaret Todrig, relict of Johnne Irland of Burnebane, Johnne Drummond of Smythstoun, and Williame Drummond, his son, subtacksmen of the teinds of Burnebane, shall not be troubled therein by the persons foresaid,—Mr Andro Abircrumby, parson of Rattray, and Robert Abircrumby, saddler, burgess of Edinburgh, becoming cautioners in relief.

Edinburgh, 13th Sept. Band for David Hume of Ninewells.

Registration, by Mr George Tod, as procurator for the surety, of a band of caution in £500, by Alexander Hume of Huttounhall for David Hume of Nynwellis, that he will not harm George Douglas of Parkheid, or his dependents. Subscribed at Huttounhall, 12th September, before James Hume, George Trottair, "my servitouris," and Williame Myllair, servitor to the said David Hume. Page 262.

Edinburgh, 15th Sept. Protest by Daniel Cunningham, with order to his brother William to find caution not to injure him or their mother.

Daniel Cunynghame, brother of Williame Cunynghame of Capringtoun, appears and makes faith that he "dred harme" to his tenants and servants by the said Williame, and also produces a testimonial subscribed by Mr David Myln, minister at Dundonnald, certifying the "present disease and inhabilitie" of Agnes Hammiltoun, mother of the said Williame and Daniel, as the cause why she cannot appear and make faith that she dreads the like harm to her and her servants from the said Williame. He protests, therefore, that the letters raised by him against the said Williame shall be put to farther execution, and desires also that some one may be appointed to receive his mother's oath, so that the letters raised by her against Williame may also be farther executed. The Lords admit the protest, and ordain an officer of arms to receive the oath of Agnes, and, having received it, to charge the said Williame to find sureties, within six days, under pain of rebellion, that he will not injuire her or the said Daniel. Page 244. Page 245.

Caution for Mr Thomas Naismith of Posso.

Caution in £500 by Charlis Geddes of Rauchane for Mr Thomas Nasmyth, portioner of Posso, that Williame Tuedy, eldest lawful son of Johnne Tuedy, sometime tutor of Drummelzeair, procreated between him and Magdalene Lawsoun, his spouse, and the said Johnne, his father, administrator for his interest, shall be harmless of the said Mr Thomas.

Caution in £1000 by Johnne M^{c}kquhirrie, burgess of Edinburgh, for

Acta 1587–89. Jeane Lauder, relict of Sir James Forrestair of Corstorphin, that Issobell Forrestair, executrix to the late Sir James, and James Baillie of Carfin, her spouse, for his interest, shall be harmless of the said Jeane Lauder. Edinburgh, 17th Sept. Caution for Lady Corstorphine.

Registration, by Mr Thomas Craig, advocate, as procurator for the surety, of a band of caution in £2000 by Williame Glen of Bar for James, Earl of Glencarne, that he will not harm Alexander Cunynghame of Craganis, James Myllair, Johnne Myllair, Johnne Young, Wilsoun, Patrik Fishear, or Johnne Wattirsoun, tenants to the said Alexander in the lands of Manniswra, Halhill, Lyntquhyte, Knappis and Mylne of Lochir. Band for the Earl of Glencairn.

Page 246. Subscribed at the Bar and Kilmarnok, 14th September, before Thomas Spens, Williame Cochrane, Johnne Mathie, and Johnne Craufurd, notary.

Caution in £1000 by Hary Forrestair of Corstorphin, as principal, and George Carkettle, bailie of Edinburgh, as surety for him, that Issobell Forrestair, executrix to the late Sir James Forrestair, and James Baillie, fiar of Carfin, her spouse, shall be harmless of the said principal. Edinburgh, 18th Sept. Caution for Forrester of Corstorphine.

Caution by Mr Johnne Provand, burgess of Edinburgh, for Robert Douglas of Annacroche, Johnne Douglas of Kennestoun, David Arnott in Kynaswode, Henry Hude there, and Alexander Quhyte there, in £100 each, that they shall answer before the Council upon 31st October next for "thair allegeit convocatioun of thame selffis in armes for leiding and intrometting with the teindis of the landis of Abirdour." Caution for Robert Douglas and others.

Caution in the said sum and to the same effect by Johnne Douglas of Kennestoun and Robert Douglas of Annacroich for Johnne Shaw in Segy, Johnne Glas in Dalqueith, Henry Thomesoun in Segy, Henry Lacanzie in Bannaga, Robert Lachanzie there, Donald Gibsoun in Tulliochie, Thomas Greve there, Robert Dempstartoun there, Johnne Greve there, George Dempstartoun in Dalqueith, Johnne Andirsoun in Brakalie, Robert Low there, Johnne Hendirsoun in Holtoun, and James Quhyte in Bagady.—The letters executed against the "saidis personis" for their entry in ward in Edinburgh Castle are suspended till 10th November next, and Dame Jeane Lyoun, Countess of Angus, and the executioner of the said letters, are ordained to be warned to appear on 31st October next. Edinburgh, 19th Sept. Caution for John Shaw in Segy and others.

Caution in 4000 merks by Johnne Tuedy, merchant, burgess of Edinburgh, Hary Bickartoun, writer, burgess of said burgh, and Walter Tuedy, skinner, also burgess of the same, for James Tuedy of Drummelzeair, that he will not harm Mr Thomas Nasmyth, fiar of Posso. Edinburgh, 24th Sept. Caution for James Tweedie of Drumelzier.

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Caution in £1000 by Johnne Maitland of Auchingassill for James Baillie, fiar of Carfin, that he will not harm Hary Forrestair of Corstorphin. Caution for James Baillie.

Caution by Alexander Guthrie of Kincaldrum for Johnne Ros of Ballivat, David Ros and Walter Ros, father-brothers to the late Hucheoun Ros in Aulderne, and Alexander Braibnair in Narne, in 300 merks each, that Edinburgh, 27th Sept. Caution for Ross of Ballivat and others.

they shall answer before the Council upon 20th October next "tuicheing the cruel murthour of the said umquhile Hucheoun Ros." Acta 1587-89.

Caution for Montgomery of Langshaw.

Caution in £2000 by Andro Wemys of Logy, and Johnne Wemys, his eldest son and apparent heir, for Neill Montgomerie of Langshaw, that he will not harm Mr James Wardlaw, advocate,—the said Neill and Robert Montgomerie of Skelmurlie becoming cautioners in relief.

Caution for Margaret Todrig, John Drummond, and others.

Caution by George Todrig, merchant, burgess of Edinburgh, for Margaret Todrig, relict of Johnne Irland of Burnebane, in 1000 merks, for Williame Drummond, son of Johnne Drummond in Smythstoun, in £1000, and for the said Johnne Drummond, Robert Spalding in Newmyln, David Spalding there, Williame Young in Litill Venteche, in 300 merks, that Williame Lamb in Sloginholl, his bairns, tenants and servants, shall be harmless of the said persons.

Edinburgh, 19th [? 29th] Sept.
Caution for Ninian and John Martin.

Caution by Robert Montgomerie of Skelmorlie for Niniane and Johnne Martynes, sons of the late Andro Martine, in 500 merks each, that they will not harm Margaret Maxwall, relict of the said Andro,—Robert, Lord Ros, becoming cautioner in relief. Page 248.

Edinburgh, 30th Sept.
Expiry of the tack of the customs to the Burghs, and new regulations in consequence.

As the tack of the customs made by the King, with advice of his Council and Comptroller, to the provosts and bailies of the Burghs collectively, expires this day,—"quhairthrow the same custumes aucht to be ressavit and intromettit with in tyme cuming be his Hienes comptrollair and grite custumair," beginning upon 1st October next,—publication to that effect is ordered at the market cross of Edinburgh and other fit places, charging all persons that "used the office of custumarie, be commissioun of the burrowis during the tyme of thair takkis, to deliver thair halff seillis and stampis" to the said comptroller within six hours after being charged, under pain of rebellion, and also charging them and the clerks of cocket not to "custumat ony guidis or deliver ony cocquettis thairupoun" after this date without warrant of the said comptroller. All who have already "ressavit cocquettis upoun guidis not yit schippit or transportit" are required to show the same to the said comptroller, "to the effect thair salbe na defraude in geving cocquettis upoun ma guidis afoirhand nor thair is guidis indeid reddy to be schippit and embarkit, in prejudice of the King and his custumes for the yeir to cum."

Craigmillar, 1st Oct.

Sederunt—REX; Hammiltoun; Angus; Cancellarius; Thesaurarius; Clericus Justiciarie; Murdocairny; Computorum Rotulator; Willelmus Keyth.

Confirmation to the tenants of Auchtermuchty and other King's lands in Fifeshire of their exemptions from taxations.

The King and Council understanding that his Highness's own proper lands of Auchtirmuchtie, Neutoun of Falkland, Freuchy, Eister Cashe, Kettill, Kingsbarnis, and other lands of the lordship and stewartry of Fyffe belonging to him in property, were set in feuferme and heritage by his predecessors, for payment of great mails, fermes, and duties expressly Page 249.

Acta 1587-89. specified in the infeftments made thereupon, "and for plantatioun and policie to be maid thairin," and that, "be ressoun thairof and of thair continuall attendance and service done to the soverane princeis, Kingis and Quenis of this realme, at all sic tymes as thay maid thair residence within the palice off Falkland, thay wer exemit, at the leist nevir in use to pay ony taxt, stent, or uthirwayes to contribute with ony the Esteatis of this realme in the payment of ony taxationis imposit or appointit to be upliftit of thame, bot *simpliciter* fred thairof," his Majesty now, "being nawayes myndit to mak alteratioun or uthirwayes to induce ony novatioun in his Hienes awne tyme, quhairby thair formair liberteis and previlegeis may be prejugeit, or thay maid unable to pay thair mailles or dewiteis, ather ellis to do his Hienes the like service as hes bene done to his saidis predicessouris, bot rather to giff thame and thair posteritie occasioun to continew with the like fervencie and gudewill in his said service," exempts the said tenants of the lands foresaid, their heirs and successors, from all payment of any taxation already imposed or to be imposed, as also from contributing with any other Estate towards any taxations laid or to be laid upon them.

Caution for John Tweedie

Caution in 5000 merks by Johnne, Lord Fleming, for Johnne Tuedy, brother of James Tuedy of Drummelzeair, that he will not harm Michael Nasmyth of Posso, Mr Thomas Nasmyth, his son and apparent heir, or Johnne Nasmyth, his brother, and also that, on being released from the tolbooth of Edinburgh, he will keep ward within the said burgh till he satisfy the said Mr Thomas "for the skaith sustenit be him be the douncasting of his hous of Stirkfeild."

Edinburgh, 4th October. Caution for James Tweedie of Drumelzier.

Caution in 5000 merks by James Hammiltoun of Libbertoun for James Tuedy of Drummelzeair, that he will not harm Michael Nasmyth of Posso, or Johnne Nasmyth, his son.

Importers of wines to find caution that they will bring their whole ladings home and not sell any abroad.

There are "divers schippis now intending to saill to Burdeaux for hamebringing of wynes," which ships "caryis and transportis furth of this realme gold, silver, hydis, hering, salmond and sindrie uthir wairis, to the grite hurte and prejudice of the maist pairt of oure Soverane Lordis legis, for the onlie gayne and commoditie of the marcheantis transportaris thairof, and in recumpence of the samin aucht and suld reporte and bring hame agane wynes and uthiris wairis meit and convenient for the cuntrey." As, nevertheless, "thay mak vent and seill of thair wynes in Normandie, Picardie, England and utheris pairtis furth of this realme, quhairby the legis and inhabitantis thairof ar grittumelie hurte and prejugeit," proclamation is ordered at the market crosses, havens and ports, of this realm, forbidding masters, mariners and owners of ships to sail till they find caution "actit in the townis buikis," or in the "custumaris and schoris buikis" of the towns they sail from, that they shall not sell their wines in any foreign country, but bring home their whole ladings, to be sold to the lieges at reasonable prices, under pain of loss and confiscation of the ship and goods, and punishment of the persons of the disobedient.

Page 250.

Edinburgh, 7th Oct. Caution for Philip Moubray.

Caution in £2000 by Phillop Moubra, fiar of Pitluvermylne, as principal, and Robert Moubra, fiar of Barnbougall, and Francis Naper, master assayer of the cunyiehouse, as sureties for him, that he will not harm James Spittall of Leuquhat. Acta 1587–89.

Caution for Dand Moncur and his sons.

Caution by Dand Moncur, fiar of Slanes, as principal, and Andro Logane, fiar of Coitfeild, as surety for him, in £500, and for Andro and Johnne Moncuris, his sons, in £200 each, that they will not harm Mr Andro Grahame, portioner of Eister Kynneff.

Caution for Andrew Corstorphin.

Caution in 500 merks by Andro Martine, burgess of Carraill, for Andro Corstorphin, burgess there, that he will not harm Andro Clark, son of Thomas Clark, burgess there.

Caution for Andrew Martin.

Registration, by James Kinros, as procurator for the surety, of a band of caution in 500 merks to the same purpose by Johnne Arnote, fiar of Wodmylne (Pittowie), for Andro Martine, burgess of Carraill. Subscribed at Carraill 4th October. Page 251.

Edinburgh, 9th Oct. Caution for John Smith.

Registration, by Mr Thomas Wilsoun, advocate, as procurator for the surety, of a band, as follows :—Johnne Smyth, younger, in the Westertown of Auchtirbannok, having been charged to find caution in 500 merks not to harm Robert Aikman in Nethir Bannoburne, Kathrene Aikman, his daughter, or Robert Richardsoun, her son, Sir Robert Drummond of Carnok becomes surety for him accordingly. Subscribed at Drummondishall, 7th October, before Robert Drummond, son of the said Sir Robert, Johnne Robertsoun, scribe to these presents, Henry Russell and Alexander Buchquhannane, servitors to the said Sir Robert.

Edinburgh, 11th Oct.

Sederunt—Cancellarius ; Angus ; Coldenknowis ; Clericus Registri ; Clericus Justiciarie ; Collector ; Carmichael ; Elimosinarius. Page 252.

Order to denounce Moubray, fiar of Pitliver, for not answering a charge of having abducted a youth with a view to possession of his property.

Complaint of Johnne Boiswall of Balmuto, as follows :—The late Spittall of Leuquhat left the late James Meldrum of Segy, George Halkatt of Pitfirrane, and the said complainer, tutors testamentary to James Spittall, now of Leuquhat, his son : "quhilk charge and office onlie the said complenair hes exercisit sen the deceis of the saidis umquhile Lairdis of Segy and Pitfirrane, he alswa haveand the gift of the said James Spittallis warde, releiff and mariage, and haveing a speciall cair of his weilfair every way, as being his neir kynnisman and his faderis suster sone. The said complenair held and interteneyit him at the scule in Dunfermling, buirdit with ane honnest woman, namit Cristene Boiswall, induellair in Dunfermling, quhair his umquhile fader placeit him in his lyftyme,—thinking that nane suld have interruptit that verteous cours of his educatioun, or have mellit with his persone, without knaulege and consent of the said complenair, and utheris his narrest freindis. Nevirtheles, Phillop Moubra, sone to James Moubra of Pitluver, upoun Sonday the day of September last, come to Dunfermling, and hes takin away the said James Spittaill of Lewquhat fra the scule, and fra the hous of the said Cristene Boiswaill, quhair he wes placeit in burding, as said is,

Acta 1587–89. and caryed him to sic pairtis and placeis quhair the said Phillop pleissis, thinking to intyse him to cheis sic personis in curatouris as the said Phillop sall nominat, and thairby to gett the possessioun of the said James landis and rowmes, and to mary him befoir he sal have experience and discretioun to governe his awne effearis, to the grite appeirand wrake and domage of the said James, the said Phillop haveing maryed his suster, and sho haveing grite liklyhode and possibilitie to succeid to the said James,—quhairthrow hir husband, being a young man, is nawayes meit, bot verie suspitious, to have ony governament and administratioun of the said James persone and effearis. And, further, this example of taking of heretouris fra the scuillis is maist dangerous and pernitious in a commounweill, and alsweill his Majestie and his Prevey Counsaill, as the Lordis of Counsaill and Sessioun, quhen thay sitt, ar accustumat to tak summair ordour aganis sic extraordinair procedingis."—Charge had been given to the said Phillop to restore the said James to the school of Dunfermling, and to the house of Cristene Boiswaill, within a certain space after the charge, under pain of rebellion, that he might remain there till a certain day in the beginning of the next session, when his friends on his father's and mother's side "mycht be summoned to heir him cheis his curatouris, conforme to the Act of Parliament, in presence of the Lordis of Counsaill and Sessioun," or else to have appeared and brought with him the said scholar, with the view of his being placed "in sum indifferent rowme, quhair his freindis may have acces to him quhill his curatouris be lauchfullie and ordourlie chosin in presence of the Lordis of Counsaill, as said is"; and now, the complainer appearing personally, but the respondent failing to appear or otherwise to obey the charge, the order is to denounce him rebel.

Page 253. The "gude and godlie Act" of Parliament, passed in the reign of James IV. (1503, ii. 245, 252), ordaining "that thair be na mercattis nor fairis haldin upoun haly days, nor yit within kirkis or kirkyairdis upoun haly dayis or uthir dayis," had been ratified in the Parliament held at Edinburgh 20th October 1579 (vol. iii. p. 138). "Seing that the Sabboth day is now commounlie violat and brokin, alsweill within burgh as to landwart, to the grite dishonnour of God, be halding and keiping of the saidis mercattis and fairis on Sondayis, useing of handie labour and workeing thairon as on the remanent dayis of the oulk, and be gamming and playing, passing to taverne and ailhoussis, and wilfull remaning fra thair parroche kirk in tyme of sermone or prayaris on the Sonday," therefore his Majesty and his Three Estates in the said Parliament ordained that no markets or fairs be held on holydays or Sundays, and prohibited working, gaming, frequenting of taverns, selling of meat and drink, wilful absence from the parish-kirk in time of sermons or prayers on Sunday, all under penalties specified in the said Act (1597, c. 8, iii. 138). "For executioun quhairof, his Hienes ordanis the secretair or his deputis, keparis of the signet, to direct commissionis undir the signett to the speciall personis in everie parrochin best affected and maist able to performe the same." Letters are to be

Act for keeping the Sabbath day.

directed charging the said commissioners to accept and execute the commissions, within 15 days after being charged, under pain of rebellion. Acta 1587-89.

Caution for Mr James Borthwick of Lochhill.

Caution in £2000 by Johnne Traill, fiar of Blabo, and Robert Betoun, fiar of Balfour, for Mr James Borthuik of Lochhill, that he shall answer before the Council upon 11th November next for any "novatioun, convocatioun, oppressioun or violence, committit be him aganis Williame Lauder of Haltoun, and James Lauder, his sone, in the wrangous leiding and melling with the cornis of the landis of Tempillandis of Ovir Gogair and Adestoun," and that in the meantime he shall behave quietly towards the said persons.

Leith, 14th October. Caution for William Graham, and for Johnstone of that Ilk.

Caution in 500 merks by Robert Grahame of Thornik for Williame Grahame in Sanefurde, that he will not harm David Balfour of Balledmouth.

Caution in 1000 merks by James Tuedy of Drummelzeair and Thomas Johnnstoun of Corheid for James Johnnstoun of that Ilk, that he will not reset James Johnnstoun of Westraw and Mathew Moffat, who "cruellie and unmercifullie murdreist and slew" Alexander Baillie of Littligill; also, that Jeane Hammiltoun, Lady Lamingtoun, and her bairns, tenants and servants, shall be harmless of the said Johnnstoun of that Ilk, under a penalty of £2000. Page 251.

Leith, 15th October. Act exonerating the burgh of Edinburgh anent a jewel of the King's pledged to the burgh five years ago, and now restored to the King as a marriage-gift.

The provost, bailies, council and community of Edinburgh for the time being had, at the King's earnest request, "lent and deliverit to his Hienes, fyve yeir syne or thairby, certane soumes of money, for outredding of sindrie speciall effearis concerning his Majesteis selff; quhairof his Hienes being then weill willing to see thame satisfeit and payit agane, causit Johnne Gib, ane of the vallettis of his Hienes chalmer, consignne and deliver, for thair bettir securitie, in the handis of Alexander Clerk of Balbirny, provest of the said burgh for the tyme, in plege of the said sowme, ane of his Majesteis awne jewellis, to witt ane tablett of gold in ane case, and on the said tablett ane dyamont stane and ane emerauld stane; quhilk jewell wes laitlie deliverit be the said Alexander Clerk, at his Hienes expres command and warrand, to the present provest and baillies of the said burgh: quha now, for the bettir declaratioun of thair guidwillis, luiff and affectioun toward his Majestie, and the honnourable actioun now in handis concerning his Hienes mariage, hes freelie and voluntarlie randerit and deliverit agane the said jewell in his Majesteis awne handis, like as his Hienes grantis and confessis be thir presentis the ressett of the same jewell." The King, therefore, exoners and discharges the said provost, bailies, council and community, as also the said Alexander Clerk, of the said jewel for now and ever, promising also "to caus louke out and deliver to the said Alexander the tickatt subscryvit be him upoun the resset of the same jewell" as soon as possible, to the effect it may be cancelled. (Acta 1589-91), Page 310.

Edinburgh, 17th October.

Registration, by Mr Thomas Wilsoun, advocate, as procurator for the surety, of a band of caution by Robert Cragingelt of that Ilk for Katherene Page 254.

Acta 1587–89. Aikman, relict of Williame Richardsoun in Auchtirbannok, Robert Aikman, her father, in Skeok, and Walter Douglas in Litill Sauquhy, in £500 each, that Elizabeth Welstane, Johnne and Thomas Richardsonis, her sons, and Johnne Smyth, younger, in Westertoun of Auchtirbannok, shall be harmless of the said persons. Subscribed at Striviling, October, before Mr Johnne Stewart, Abraham Drummond, and Alexander Patersoun, "litstair" and burgess of Stirling. Caution for Katherine Aikman and others.

Page 255. As the King, "upoun the impedimentis objectit toward the transporting of the Quene, his darrest spous, towardis this realme in this seasoun of the yeir fra the pairtis of Noroway quhair sho presentlie remanis," has directed thither as his ambassadors and commissioners, in addition to George, Earl Mairshael, and such others as have been already sent, Sir Johnne Maitland of Thirlstane, chancellor and principal secretary, Sir Lues Bellenden of Auchnoule, justice-clerk, Mr Robert Douglas, provost of Linclowden, collector general, Sir Patrik Vans of Bernbarrauch, Johnne Carmichael of that Ilk, warden of the West March, Sir Williame Keyth of Delneyis, master of the wardrobe, and Mr Petir Young of Seytoun, the King's elemosinar, "with divers utheris gentilmen of his Hienes chalmer, houshald servandis and uthiris his Hienes subjectis attending on thame," his Majesty gives and grants to these persons the privileges following:—(1) If any beneficed person among them shall be slain in the service or shall die during the embassy, the nearest of his kin that is qualified shall have the next presentation and collation to his benefice. (2) The heirs of other persons slain or dying in the service shall have their ward, non-entry, relief, and marriage free, without payment of any composition therefor, provided they obtain entry of their superiors within three years of their ancestors' death; and, if these heirs be pupils and not entered before the age of 14 years,—"quhilk may be throw negligence or ouersicht of thair freindis and tutouris,"—they may enter within three terms "nixt eftir thair compleit age of xiiii" years. Provision is made in the case of the person slain or dying having "ma lauchfull airis [? bairnis] of his body, by his air." If the heirs of the persons deceasing have feus, they shall enter to the said feu lands within the three years without doubling of the feu (*cf.* Register of the Council, vol. i. pp. 357, 364; vol. iii. pp. 21, 22, 657; and Acts of Parl., vol. ii. p. 599; vol. iii. pp. 63, 64). Leith, 17th October. Act in favour of new commissioners directed to the Queen, who is detained in Norway.

Page 256. Thomas Foullis, goldsmith, burgess of Edinburgh, master sinker of the cunyiehouse, delivered to Sir Robert Melvill of Murdocairny, treasurer-depute, "twa talyeit rubyis in chattonis, and three rubyis caloshon, likwise in chattonis, being of his Majesteis jowellis," which had been given, by the King's command, to the said Thomas by the said Sir Robert, till the former should be paid a certain amount due to him for "furnissing of goldsmyth werk and jewellis to his Majesteis use," payment of which had not yet been received. Wherefore, Sir Robert binds himself to pay to Thomas the balance of the money owing to him after count and reckoning to be made between them thereupon. Act in favour of Thomas Foulis, goldsmith, who restores certain of the King's jewels that had been given him in pledge.

Leith, 19th October. Act concerning the Treasury during the King's intended absence from Scotland.

His Majesty "being of mynd, upoun certane wechtie caussis moving him, to be absent a certane space furth of this realme, and that he will nocht have the commoditie to subscryve the giftis and casualiteis falling in his Hienes handis, and utheris signaturis pertening to the office of thesaurarie," and "not willing that ony of his Majesteis subjectis sustene damnage in that behalff," grants commission to Thomas, Master of Glammis, treasurer, and Sir Robert Melvill, his depute, conjunctly, "to subscrive all signaturis pertening to the office of thesaurarie, of quhatsumevir effect and qualitie thay be, for compositioun"; but "ordanis and commandis the said commissioun to be used for his Majesteis honnour and maist commoditie,—that is to say, the giftis of wardis, non-entressis and mariageis to the heretouris thameselffis, upoun gude compositioun to be payit be thame thairfoir; uthirwayes the proffittis of the warde landis to be uptakin to his Hienes awne use, or to sic as will gif maist thairfoir, preferring always the heretour, he or sho acceptand the conditioun offerrit to thame be his Hienes thesaurair within the space of fyftene dayis eftir the vacance: and that na respettis nor remissionis be grantit without avise of his Hienes Counsaill in full nowmer sittand, and that na escheatis be disponit in favour of the offendaris, bot rathest to the personis that hes sustenit the offens, or thair freindis, gif thay will mak sute and pay ressonable compositioun for the same, or ellis that the escheit guidis be intromettit with and particulair compt and rekkynning maid of the same: and that the said Thesaurair and his depute use the said commissioun as thay will ansuer to God and his Hienes thairupoun." Acta 1587-89.

Warrant for making of a Great Seal and Great Signet to be used during his Majesty's absence from the country.

"Forsamekle as the Kingis Majestie, oure Soverane Lord, upoun speciall and wechtie considerationis moving him, being resolvit, God willing, to pas in Norroway and to obviat the impedimentis maid for the transporting of the Quene, his darrest spous, in this seasoun, hes commandit his Chancellair to tak his grite seill and signett with his Majestie for sic necessair occasionis as the samin may happin to be imployed in during his Hienes remaning furth of the cuntrey: and yit, not willing that his Hienes awne subjectis or utheris, haveing necessarlie to do with the saidis grite seill and signet, salbe frustrat and disapointit thairof at all occasionis, his Majesty with avise of his Secreit Counsaill ordanis and commandis his said Chancellair, be himself or his depute in his name, to caus mak ane uthir grite seill and grite signett, according to the forme and proportioun of the utheris, als neir as may be in all pointis, off quhatsumevir metale, to serve and be used and imployed be Mr Johnne Laying, depute to the said Lord Chancellair, in keping of the saidis grite seill and signett to all thingis necessair to be past thairwith, and willis and declairis that the making of the saidis grite seill and signett salbe na cryme to the goldsmyth makaris thairof, nor to the said Chancellair or the said Mr Johnne, kepair of the same, nor that thay nor nane of thame salbe callit or accused for the same criminalie nor civilie be ony maner of way in tyme cuming: exonering and dischargeing thame *simpliciter* of the same for evir. And ordanis the saidis last grite seill and grite signett now ordanit to be maid to be brokin Page 257.

Acta 1587–89. doun and distroyit immediatlie eftir the returning of the saidis grite seill and grite signet agane in this cuntrey."

Charge to the Earl Bothwell and Lord Hume to keep the peace to each other during the King's absence.

The King, "desirous to have universale peax and quietnes throchoute his haill realme, and specialie betuix noblemen quha aucht to interteny the same, during the tyme of his Hienes absence furth of the realme," and informed of "the lait mislykeing" that has fallen out between Francis, Earl Bothuile, great admiral of this realm, and Alexander, Lord Hume, warden of the East March, "hes commandit assuirance to be kepit betuix thame, thair freindis and dependaris." Further, "his Hienes hes speciallie imployed thame baith in particulair charge of service,"—namely, the said Earl to attend with the Duke of Lennox and the Council at Edinburgh "for materis concerning the estate of the haill realme," and the said Lord for keeping the peace within the bounds of the East March. As "it is nocht convenient that ather of thame suld giff occasioun of trouble or brek of assuirance to utheris," the said Earl is ordered to remain at Edinburgh and within the bounds of Lowtheane, and the said Lord within the Merse and at his own house of Dunglas, "ay and quhill his Majesteis returning and ending of the said assuirance, undir the pane of rebellioun." If either shall violate this commandment, the Duke of Lennox, with advice of the Council, is to convocate the lieges, and by force to resist the "pairty being the occasioun of the trouble."[1]

Edinburgh, 23rd October.

Sederunt—Dux Lennocie; Angus; Bothuill; Computorum Rotulator; Coldenknowis; Clericus Registri.

King's Declaration of the reasons for his voyage to Norway, with Declaration of his arrangements for the government of Scotland during his absence.

"The quhilk day Alexander Hay of Eister Kennett, Clerk of Register, produceit and shew, befoir the Dukis grace of Lennox and Lordis of his

[1] The orders this day, October 19, 1589, are the first intimation in the Register of that which history remembers as the most chivalrous adventure in the life of King James. His Danish bride, then fifteen years of age, had been expected in Scotland at least a month ago, and there had been an elaborate official programme of the ceremonies for her reception at her landing at Leith and on her entry into Edinburgh (see it in Calderwood, v. 60–64). The fleet conveying her, however, had been kept back by the stormy season. "The day appointed for the marriage is past; the fleet supposed to be driven back by contrary winds; the King's impatience,"—is a summary of news on the subject sent to London from Edinburgh on the 24th of September by the English ambassador, William Asheby; who, on the 27th of September, again writes, "The King very sorrowful at the Queen's long stay; a fast appointed for her safe arrival," and again, on the 2nd of October, "Expectation of the Princess of Denmark; contrary winds; the King's trouble; surmises; Colonel Stewart sent to search for the fleet," and again, on the 6th and 8th of October, "Non-arrival of the Princess; the King's trouble; fear of disaster; omens; public fast and prayer; Colonel Stewart not returned," and again, on the 10th, "A messenger from Denmark; the ships with the Princess driven back twice; controversies between the Scots and the Danes in respect to bringing the Princess at once or waiting till the spring" (Abstracts in *Calendar of English State Papers relating to Scotland*, p. 568). The definite intelligence at last was that the fleet had taken refuge on the coast of Norway, immediately north of Denmark, and that the Princess was likely to be detained through the winter in that Norwegian part of the Danish dominions. Then it was that King James, now in his twenty-fourth year, conceived the idea of going in quest of her himself. The project had been kept secret; but the recent sittings of the Council mainly at Leith (see *ante*, pp. 420–22) indicate that there had been preparations for going to sea. Of greater consequences were the arrangements for the government of Scotland during the King's absence. There had been serious consultations about these; and the orders of this day reveal some of the results.

Hienes Secreit Counsaill, his Majesteis declaratioun subscryvit with his hand at Leith the xxii day of October instant—ANENT THE GOVERNAMENT OF THE EFFEARIS OF HIS HIENES ESTATE AND REALME DURING THE TYME OF HIS MAJESTEIS ABSENS FURTH OF THE SAME; quhilk wes oppinlie red, quhairof the tennour followis:— Acta 1587–89.

JAMES, be the grace of God, King of Scottis, to all and sindrie our legis quhais knaulege thir presentis sall to cum, greting:—Forsamekle as, sen Almychtie God hes brocht us to manis age and estate, nathing hes bene sa eirnistlie wisheit be all oure faithfull nobilitie and gude subjectis as to see us honnourablie maryed, quhairby oure successioun mycht, God willing, enjoy this auncient croun discendit to us eftir sa mony worthie progenitouris; in quhilk mater, nochtwithstanding quhatsoevir perswasioun have bene offred us, we have nocht shawne oure selff (prased be God) rashe passioned, or uthirwayes furthir addicted Page 258. then honnour and gude advise led us,—nather, be licentious lyffe and behaviour, hes past ouer this tyme of oure bipast lyffe insolentlie, bot, awaiting on the occasioun offerred be God, and following the requeist and advise of our nobilitie and gude subjectis, hes inclynnit to mary in sic a house and with sic a personnage as, for hir age, hir blude, and commoditeis apparent to us and our estate be that affinitie and alliance, na inlaik or default seamis to be. Quhairupoun, eftir lang treaty and deliberatioun, contract being endit, the mariage be oure ambassadour in our name solempnizat, and the Quene, oure espoused wyffe, accumpanyed with the navy of oure darrest bruthir the King of Denmark and certane of his cheiff officiaris and counsaill appointed to convoy hir towardis us, being on the seyis halding thair course hither, have bene divers tymes be stormes and contrarious wyndis sett in Norroway,—quhair deliberatioun being had anent hir returning in Denmark or tarying still in Norroway upoun mair favourable wind and weddir and sum further provisioun towardis hir transporting, hir awne chois and lykeing best aggreing with the last conditioun,—We, to quhome hir bipast panes and dangeir hes bene na les grevous nor giff we had sufferit thame in oure awne persone, finding that nathing can be mair hurtfull to us and oure estate nor giff the consummatioun of oure mariage and the transporting of the Quene oure bedfellow in oure realme salbe differred, and that hir affectioun towardis us, having sa effectuallie kytheit, meritis to be rememberit and acquite with na les gudewill on oure pairt: quhairthrow, thinking to mak the proces schoirtair, and to obviat the difficulteis objected concerning hir transporting befoir the nixt spring, eftir we had resolvit to send in Norroway a noumer of oure counsaill and officiaris that voluntarlie offerrit to bestow thameselffis and thair geir in furtherance of this eirand, we fand yit na contentment of mynd quhill we concludit to interprise the voyage in propir persone, thinking, be Godis grace, to performe the same to and fra in tuenty dayis, wind and wethir serving. Bot, feiring the tyme of oure absence may be schortair or langair as it sall pleis God to constitute the weddir and grant succes, that this estate and kingdome, ouer quhilk

Acta 1587-89. be God we ar constitute governour, sall nocht be left in ony incertane lousenes, without dew provisioun for the regiment thairof in oure absence, We have thairfoir, of oure propir motive, uncounsallit be ony levand man, maid a Declaratioun of our will and mynd in that behalff, commanding the same to be writtin and kepit be oure Clerk of Register. And yit this cuntrey hes sufferit langair want of ane establissit governament nor, God willing, oure absence salbe,—as experience gaif prufe fra the deathe of oure darrest gudeame the Quene Regent quhill the arryvaill furth of France in oure realme of the Quene oure darrest moder, of gude memorie, be the space of fouretene monethis; all men halding bak thair handis fra evillis and doing of mischeiffis in the meantyme, upoun a reverent feir and luiff of thair Soverane in hir absence, being baith a woman and a minor: in quhilk space thair wes gretair repose and quietnes then at ony tyme in the best governamentis of befoir or sensyne. Bot, returning, We will that oure ordinair Prevey Counsaill sall remane and be resident at Edinburgh, and that oure darrest nephew the Duke of Lennox salbe president thairof, accumpanyed with our richt traist cousing and counsallour the Erll Bothuill, our admirall, quha sall mak his continuall residence with oure said nephew, togidder with the baronis and landitmen of Lowtheane, Fyffe, Strivilingshire and Stratharne. Quhilkis, dividit in foure quartaris, we will sall cum, remane and attend upoun oure said nephew at Edinburgh, every quartair thair fyftene dayis aboute, in cais oure absence sal happin to be sa lang,—oure said cousing the Erll Bothuill alwayes taking the cair to see thair attendance gevin, and that thay be deulie warnit to that effect, and the dissobedientis, giff ony sal happin to be, noted and rememberit as appertenis. For quhilk purpois the baronis and landitmen of Loutheane to repair first to Edinburgh, and thair, be sicht and advise of the said Duke of Lennox, Erll Bothuill, and Counsaill, assisting thame, to tak purpois quhat personis sall attend the first xv dayis and quhilkis the nixt; and, befoir the outrynning of the tyme appointit for Loutheane, that the baronis and landit men of Strivilingshire, Stratharne and Fyffe, be warnit to send thair commissionaris to Edinburgh, for the like divisioun of the quartaris to be kepit be thame. And, in cais our tary sal happin at Godis plesure to be langair, the saidis quartaris to be agane renewit. And that oure haill Officiaris of Estate attend continuallie upoun oure Counsaill

Page 259. and effearis at Edinburgh quhill oure returning, and alwayes oure thesaurair or his depute, comptrollair, master of requeistis, Lord previe seill, capitane of oure castell of Edinburgh, Laird of Ormestoun, oure advocat and Clerk of Register, or ony fyve of thame, be alwayes present at Counsallis with oure nepheu the Duke of Lennox and Erll Bothuill. And, becaus it wilbe difficile for the noblemen of oure realme to mak sic continuall residence, we will thairfoir that the foure and fouir eftir following sall mak residence thair fyftene dayis aboute at Edinburgh in this ordur,—the Erllis of Angus and Athoill, with the Lordis Fleming and Innermeith, to remane togidder; and the Erllis of Mar and Mortoun, with the Lordis Seytoun and Yester, to remane likwayes togidder;—to the quhilk

oure Prevey Counsaill sa remaning at Edinburgh all materis of oure realme requiring to be hard and decidit in oure Prevey Counsall salbe brocht, exceptand the south pairtis committit to the charge of oure cousing, the Lord Hammiltoun, and in materis quhair difficultie sall appeir to tak the advise of our Session. We will alswa and require the Lordis of our Counsaill and Sessioun to convene at thair tyme appointit and to do justice to all oure legis, as thai will ansuer to God and us thairupoun. We committ the cair, ouersicht and commandiment of the south pairtis of oure realme within the boundis of the three Wardanreis of oure realme foiranent England, and haill schirefdome of Lanerk, to our richt traist cousing and counsallour Johnne, Lord Hammiltoun, to be assisted and avised at all tymes, as he sall think meit to require and imploy thame, be the Erll of Glencarne, the Lordis Boyd, Maxwell, Hereis, Hume, the Laird of Cesfurde, and uthiris the cheiff baronis, luiffaris of justice and gude ordour in the boundis of the Marcheis; and that all having to do for Bordour materis addres thame and thair complaintis to oure said richt traist cousing, the Lord Hammiltoun. And, to the effect that he may be the mair reddy to heir and determinat thame, we will and require him effectuuslie to remane and mak his residence at Jedburgh or Drumfreis, as he sall find the occasioun maist necessarlie to crave his presence. And, sen that service probablie will draw him to furthir chargeis nor uthirwayes he wald be at, we promeis to see him satisfeit thairfoir to his awne contentment, and, for the mair certantie thaireof, willis him to be ansuerit of the reddiest of the taxatioun appointit for the furtherance of our mariage be Mr Johnne Colvill, collector of the same taxation, nochtwithstanding ony dispositioun utherwayes maid of ony pairt thairof,—quhilk we will sall ceis quhill he be first servit and payit. And, in cais sic thingis happynnis to occur in oure absence as necessarlie sall require the avise of oure Nobilitie and Counsaill, alsweill appointit to be resident at Edinburgh as to accumpany oure cousing, the Lord Hammiltoun, for oure effearis in the south pairtis of oure realme, we will that oure nepheu the Duke of Lennox and the Lord Hammiltoun conjunctlie, with the Counsallis appointed with thame, or samony as may be had present for the tyme, sall convene, treate, deliberat, conclud and putt in executioun quhatsoevir thay sall think convenient to be done for our honnour and service, and commounwele and quietnes of our realme; that our burgh of Edinburgh and remanent burrowis of our realme, keip thameselffis in quietnes and gude ordour, undir our obedience, unsuffering ony of our legis to have resorte thairin with convocatioun or in armour, and to be reddy to keip watche and warde for that effect for thair awne saulfty, and furthsetting of oure authoritie as oure Counsall sall direct and appoint thame. We desire the ministeris of Godis worde eirnistlie to pray to God for the gude succes of our jornay and prosperous returning with the Quene, oure darrest spous, and all our cumpany, and to putt our people in mynd of thair dewiteis towardis God and us, and to eshew alwayes all thingis that may breade and continew trouble and unquietnes amangis thameselffis: Acta 1587–89.

Acta 1587–89. commanding and requiring all and sindrie oure faithfull and loving subjectis, upoun the faith and obedience quhilk thay aw to God and us, and as thay will deserve our thankis and reward and eschew oure heich indignatioun, that thai and every ane of thame endevoir thame selffis to leif in concord, amitie and gude nychtbourheid, ilkane with uthir, undir sic directioun and commandiment as we have heir appointed and ordanit, during our remaning furth of our realme, and that nane of thame presume or tak upoun hand to brek, violat or contravene this our will and ordinance, bot that sic as hes heir befoir offendit us and found oure favour contend to shaw thair thankfull pairtis in keping of thair promissit and sworne obedience and loyaltie, and othiris that hes not fallin of befoir to shaw thame selffis cairfull sa to continew specialie in our absens; and that every ane preas to see that tyme kepit haly and unviolat frome committing of all outragious and wicked deidis, latting this our will and admonitioun serve for a full and sufficient assuirance not onlie to move thame not to offend, or to suffir offenssis to be committit quhair thay may forbid and withstand it, bot treulie to concur to the dew punishment of all offenssis to be committit in this tyme: certefeing thame that dois in the contrair, to oure contempt and dishonnour, the fault salbe irremissible, and, God willing, sall not be left unrevengeit and punissit at oure returning, in example of otheris. And that oure letters be past undir oure signet according heirto for publicatioun of this our will at Leith, 22nd October 1589.

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Eftir the reding of the quhilk his Majesteis will, the said Clerk of Register presentit ane uther Declaratioun, all writtin with the Kingis Majesteis awne hand, quhairof the tennour followis:—In respect I knaw that the motioun of my voyage at this tyme wilbe diverslie skansit upoun, the misinterpreting quhairof may tend alseweill to my grite dishonnour as to the wrangous blame of innocentis, I have thairupoun bene moved to sett doun this present Declaratioun with my awne hand, heirby to resolve all gude subjectis first of the causes breiflie that moved me to tak this purpois in heid, and nixt in quhat fassioun I resolved myselff thairof. As to the causes, I doubt nocht it is manifestlie knawne to all how far I wes generallie found fault with be all men for the delaying sa lang of my mariage. The ressonis wer that I wes allane, without fader or moder, bruthir or suster, king of this realme and air appeirand of England. This my naikatnes maid me to be waik and my inemyis stark; ane man wes as na man, and the want of hoip of successioun bread disdayne; yea, my lang delay bred in the breistis of mony a grite jealosie of my inhabilitie, as gif I wer a barrane stok. Thir ressonis, and innumerable otheris hourly objected, moved me to hasten the treaty of my mariage; for, as to my awne nature, God is my witnes I could have abstenit langair nor the weill of my patrie could have permitted. I am knawne, God be prased, not to be very intemperately rashe nor concety in my wechtiest effearis, nather use I to be sa caryed away with passioun as I refuse to heir ressoun. This treaty then being perfected, and the Quene my bedfellow cuming on

The King's Declaration in his own hand of his reasons for his resolution of going to Norway, and of his own sole and entire responsibility for that resolution originally; with his narrative of what had passed thereupon between him and his Councillors, especially the Chancellor.

hir jornay, how the contrarious wyndis stayed hir and quhair sho wes drevin it is mair nor notorious to all men. And that it wes necessarlie concludit be the Esteatis that it behuifit necessarlie to be performed this yeir, I remitt it to thameselffis, quha concludit the same in the spring at the Erll Mairshallis directing. The worde then cuming to me that sho wes stayed frome cuming thrugh be the contrarious tempestis of windis, and that hir shippis wer not able to perfyte hir voyage this yeir thruch the grite hurte thai had ressaved,—remembering myselff of hir inhabilitie on the ane part to cum, and of the foirsaid resolutioun of the Esteatis on the uthir, the like quhairof I had oft solempnitlie avowit, I, upoun the instant, yea very moment, resolvit to mak possible on my part that quhilk wes impossible on hiris. The place that I resolvit this in wes Craigmillair, not ane of the haill Counsale being present there. And, as I tuke this resolutioun onlie of myself, as I am a trew Prince, sa advised with myselff onlie quhat way to follow furth the same. Quhairupoun, I thocht first to have had the cullour of the Erll Bothuillis parting, quhome first I employed to have maid this voyage, alsweill in respect of his office as likuise the rest of the Counsale being absent all that haill day, eftir I come to Edinburgh,—the Chancellair and the Justice Clerk being yit unreturned oute of Lauder, and the haill rest of the Officiaris of Estate being all at thair awne houssis, the Clerk of Register onlie excepted. Bot, fra I saw this voyage impossible to be perfyted be the Erll Bothuill, in respect of the coistis he had bestowed upoun the preparationis of my mariage, quhairby he wes unable to mak it with sic expeditioun and honnour as the estate of that effeair and his persone did require, I wes then forceid to seik sum other way and to abyde the Counsailis assembling. Quha, being convenit, fand sic difficulteis in reiking oute a nowmer of shippis for hir convoy (for sa I gaif it oute quha suld be the personis of the ambassade) as I wes compelled, to mak thame the mair eirnist, to avow in grite vehemencie that, giff thay could be gottin na other to gang, I suld ga myselff allane, gif it wer bot in ane ship; bot, giff all men (said I) had bene als weill willit as become thame, I neidit nocht be in that strait. Thir speiches moved the chancellair, upoun three respectis, to mak his offir of going: first, taking these speicheis of evill will unto him, becaus all men knawis how he hes bene this langtyme sklanderit for ouer grite slawnes in the mater of my mariage; nixt, his zeale to my service, seing me sa eirnist; and, last, the feir he had that I suld have performed my speicheis gif na bettir culd have bene. Fra the tyme of the making of this offer, I have evir kepit my intentioun of my going als clois as possiblie I could frome all men, becaus I thocht ay it wes aneuch for me to putt my fute in the ship quhen all thingis wer redy without speiring of furthir. As I kepit it generallie clois fra all men, sa I say, upoun my honnour, I kepit it sa frome the Chancellair as I wes nevir wount to do ony secreitis of my wechtyest effearis, tua ressonis moving me thairto. First, becaus I knew that, giff I had maid him on the counsaill thairof, he had bene blameit of putting it in my heid, quhilk had not bene his dewitie

Acta 1587 89.

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Acta 1587-89. (for it becumis na subjectis to giff Princes advise in sic materis); and thairfoir, remembering quhat invyous and injust burding he dalie beiris for leiding me, be the noyse as it wer, to all his appetytis, as giff I wer ane unressonable creatur, or a barne that could do nathing of myself, I thocht pietie then to be the occasioun of the heaping of further injust sklander upoun his heade. The othir reasoun wes that, as I perceaved it wes for staying of me that he maid the offir of his ganging, sa wes I assuired that upoun knaulege of my ganging he wald ather altogether have stayed himselff or at leist lingered als lang as he could, thinking it ouer grite a burding to him to undirtak my convoy, as I know upoun the rumouris of my ganging he hes said na les to sindrie of his freindis. This far I speik for his parte, alsweill for my awne honnouris saik, that I be not unjustlie sklanderit as ane irresolute asse, quha can do nathing of himselff, as also that the honnestie and innocencie of that man be not injustlie and untreulie reproched. And, as for my pairt, quhat moved me ye may juge be that quhilk I have alreddy said, besydis the schortenes of the way, the suretie of the passage, being clene of all sandis, foirlandis or siclike dangeiris, the harboreyis in these pairtis sa suir, and na foreyne fleetis resorting upoun these seis. It is my plesure then that na man grudge or murmour at thir my procedingis; bot latt every man leave a peaceable and quiet lyffe, without offending of ony, and that all man conforme to himselff to the directionis in my proclamatioun quhill my returne; quhilk I promeis salbe, God willing, within the space of tuentie dayis, wind and wethir serving. Latt all men assuir thameselffis that quhatsoevir contravenis my directionis in my absence, I will think it a sufficient pruiff that he beiris na luiff in his hairt towardis me; and, be the contrair, thais will I onlie have respect to at my returne that reverencis my commandiment and will in my absence. Fair weill. JAMES R.

Clark of Register: It is my will that this Declaratioun be registrat for the mair force and authentiknes.

This alswa being red, the said Clerk of Register presentit to the Counsaill presentlie assembled the Kingis Majesteis letter directit unto thame in this tennour:—

King's farewell letter to the Privy Council, regulating procedure in the Council during his absence.

Richt trusty and weilbelovit cousingis and counsallouris, We grete you hairtlie wele:—Besyde oure will declairit toward the administratioun of the publict effearis of oure estate during our absence committit to your fidelitie, cair and diligence, as be our writtis to be presentit to yow be our Clerk of Register ye will mair specialie undirstand: this fer furthir we have thocht convenient now at the tyme of our depairture to signifie unto yow,—that, as we have constitute oure darrest nepheu the Duke of Lennox president and principall of oure Counsale, sa have we nominat and appointit oure richt traist cousing and counsallour, the Erll Bothuill, oure admirall, as secund persone nixt him in the effearis of oure estate to be treatit in our resident Prevey Counsaill at Edinburgh, Schir Robert Melvill also suppleing the place of our Chancellair in proponing of the materis to be intreatit and speiring of the votis, and the Clerk of Register to supplee that place quhilk belangis

in our Secretaris office in our awne language, and Mr James Elphingstoun of Innernauchtie for the Latine and Frenche tungis. In thir thingis we doutt nocht bot, as ye sall lyke of oure chois and directioun, sa will ye conforme yourselffis to see the same followit and sett fordwart in sic sorte as thair salbe na inlaik found in your effectual concurrence to supplee our absence every way, quhill God send us a confortable meting: to quhais protectioun we committ you. At Leith the xxii day of October 1589."[1] Acta 1587–89.

[1] When these important documents were read in Council the King was already at sea. He had sailed from Leith the preceding day, October 22, at nine o'clock in the evening, accompanied by Chancellor Maitland, Lord Spynie, Sir William Keith, the Justice-Clerk (Sir Lewis Bellenden), the Provost of Lincluden, Sir Patrick Vanse of Barnbarroch, Sir John Carmichael, Mr John Skene, with "sindrie other barons and gentlemen, to the number of 300 persons," and with Mr David Lindsay, minister of Leith, as chaplain. His absence, instead of being for twenty days only, as had been hoped, was to extend over more than six months. The arrangements he had left for the government of Scotland were, therefore, of great importance.—What they were is to be gathered very clearly from this day's documents. There were to be two distinct seats of Government, each with its President and Council. For the main or east Lowlands and for most of Scotland besides, the chief was to be the young Duke of Lennox, presiding, with the Earl of Bothwell next to him and constantly with him, in the ordinary Council at Edinburgh,—this Council to be attended constantly by a sufficient number of the official members, viz., *Treasurer* Glammis, *Treasurer-Depute* Sir Robert Melville (to act as *Chancellor*), the *Comptroller*, the *Master of Requests*, the *Lord Privy Seal*, the *Clerk-Register* (to act as *Secretary*), and the *Captain of Edinburgh Castle*, and to be attended also in rotation by the non-official members, such as the Earls of Angus, Atholl, Mar, and Morton, and Lords Fleming, Innermeath, Seton, and Yester, and others. For the Border districts and Lanarkshire and the west Lowlands, the chief was to be John, Lord Hamilton, presiding in a Council to be held at Jedburgh or Dumfries,—at which Council his assessors were to be the Earl of Glencairn, Lords Boyd, Herries, Maxwell, Hume, and others. On occasion, the two Presidents were to act conjunctly and the two Councils were to coalesce.—What does not appear in the documents in the Register, but is nevertheless certain, is that the King and the Chancellor had deputed a very important honorary charge of affairs during their absence to one of the Presbyterian clergy. This was Mr Robert Bruce, already named as having been Moderator of the General Assembly of February 1587–88 (*ante*, p. 248, footnote), and not to be confounded with his Jesuit namesake, Mr Robert Bruce, who has been mentioned more frequently, (*ante*, pp. 351, 359, 360).—Born about 1554, the second son of Sir Alexander Bruce of Airth in Stirlingshire, whose family traced itself back to the progenitors of King Robert Bruce, and claimed other distinguished connections, this Mr Robert Bruce, himself the direct ancestor of the famous Abyssinian traveller, had been educated for the Scottish bar, and had been in practice for some time with the finest prospects of advancement, when a severe and protracted mental struggle led him to abandon that profession and devote himself to theology. Going to St Andrews in 1583, he had studied there under Andrew and James Melville, and been much in their society till their expulsion into England; he had remained there during their exile; and, after their return thither in 1586, his intimacy with them had been resumed. In June 1587 he accompanied Andrew Melville to the General Assembly in Edinburgh, was introduced to the Assembly by Melville, and took part in it under Melville's moderatorship, with the result that he was compelled by the entreaties of the clergy and the townsmen to assume the chief ministerial charge in Edinburgh, then vacant by the death of Mr James Lawson, the successor of John Knox. He had continued in this charge since, winning golden opinions as a preacher, though, from some peculiar scruple, he had refused to be regularly ordained. His election to the moderatorship of the General Assembly of February 1587–88, when the expectation of the Spanish Armada was agitating and perplexing all minds, had been an extraordinary proof of the rapidity with which he had become one of the leaders of the Kirk. His aristocratic connections, an unusually noble personal appearance, and a certain considerate composure of manner, with all his zealous firmness in the principles of strict Presbytery, had recommended him to the King and Courtiers as a more acceptable chief representative of the Kirk, all in all, than his senior and sponsor, the more vehement Andrew Melville; and the fact of his residence in Edinburgh, while Melville was at St Andrews, had also to be

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Caution by Johnne Setoun, "litstair," burgess of Edinburgh, for James Setoun, Williame Menzeis, and Mr Johnne Cheyne, burgesses of Abirdene, that they shall pay to James Dalzell, burgess of Edinburgh, collector of the tax of £20,000 granted by the burghs to the King, the sum of £1833, 6s. 8d., as for the part of the said tax due by the burgh of Abirdene. Accordingly, the letters executed against the said principals are suspended till 20th November next; and the said Dalzell and Johnne Broun, messenger, executioner of the said letters, are to be warned for the 15th November. Alexander King, notary public, subscribes for Johnne Setoun, "becaus I culd nocht write." Edinburgh, 24th Oct. Caution for James Seton, William Menzies, and Mr John Cheyne.

Caution by Williame Cunynghame of Caprintoun for Johnne Boiswall, son of the Laird of Afflek, and Johnne Cunynghame in Potterhill, in £500 each, that Agnes Hammiltoun, Lady Caprintoun, and Daniel Cunynghame, her son, shall be harmless of them. Caution for John Boswell and John Cunningham.

Caution in 300 merks by Williame Auchincraw, portioner of Swynwode, for David Craw, son of James Craw of Gunisgrene, that he will not harm Williame Broun in Aymouth, his bairns, tenants, or servants. Edinburgh, 31st Oct. Caution for David Craw.

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Caution in £1000 by Henry Oliphant of Kilmarone for David Ramsay of Clettie, that he will not harm Williame Oliphant in Clettie. Edinburgh, 4th Nov. Caution for David Ramsay.

Caution in £2000 by Johnne Campbell of Calder for Mr Hector Monro of Foullis, that he will not harm Katherene Ros, Lady Foullis, her tenants or servants. Edinburgh, 5th Nov. Caution for Munro of Foulis.

Caution in 500 merks by Johnne Patersone of Bandarrone for Thomas

taken into account. Hence, when the King resolved on his voyage to Norway, it was on Bruce that he and the Chancellor pitched as the fittest man among the clergy to be asked to superintend all Church matters and all State matters in that relation during their absence. At the King's departure, according to James Melville, "he apointed Mr Robert Bruce to be on the Counsall, and recommendit the esteat of his countrey to him, and the Ministerie in special, reposing, as he professit, upon him and tham above all his Nobles" (Melville's "Diary," p. 277). M'Crie, adopting this statement, expressly says that "in the instructions which he left behind him he nominated Bruce an extraordinary member of the Privy Council" ("Life of Andrew Melville," i. 300). There is no evidence in the Register of any such formal appointment; nor does the name of Bruce occur in any of the recorded sederunts of the Council through the six months of the King's absence. Yet, in one of several letters which King James sent to Bruce in the course of his Scandinavian tour, he distinctly addresses Bruce as his "trusty and well-beloved Councillor" (Wodrow's "Life of Bruce," prefixed to the Wodrow Society's edition of Bruce's "Sermons," p. 17). The explanation of the apparent discrepancy seems to be that given by Wodrow, who cannot bring himself to believe that Bruce, with his Presbyterian notions, would ever have accepted a civil office. "There was a particular commission given before the King left the country," says Wodrow, "to certain noblemen, councillors, and others, for forming a constant platt about ministers' provision, with a council power; and Mr Bruce and several other ministers were named among them" (Wodrow's "Life of Bruce," p. 18). In fact, whether as Privy Councillor or not, Bruce was left in a charge, not of a moral or spiritual kind only, little inferior in real importance to that committed to the Duke of Lennox and John, Lord Hamilton. This is proved by records of proceedings of his during the King's absence, by the fact that the King and the Chancellor corresponded with him during their absence, by the strong expressions of trust in him contained in their letters, and by their acknowledgments of his services after their return.

Caution for Thomas Dishington of Ardross.

Dishingtoun of Ardrois, that either he will satisfy, before the 1st of January next, the letters of horning executed against him at the instance of Andro Gray of Lour, for not getting himself seised in the four merkland of Dunbull, and resigning and disponing the same in favour of the said Andro, or else shall render his house of Ardrois to the executioners of the letters raised against him for delivering of the same. The letters of treason executed at the instance of the said Andro against the said Thomas are suspended till 10th January next; and the said Andro, and Rany Fyffe, executioner of the same letters, are ordained to be warned to the 1st of January. Petir Dischingtoun in Balclavie becomes cautioner in relief. Acta 1587-89.

The Earl of Bothwell's band for Liddesdale.

The King having, "at his lait depairting furth of this realme," recommended specially to Francis, Earl Bothuill, great admiral of Scotland, the "keping of peace betuix his Hienes and his darrest suster the Quene of England," the Earl, after conference with his servants and vassals dwelling in Liddisdale, binds himself that Robert Ellott of Reidheuch, Martine Ellott of Braidley, Sym Armestrang of Mangertoun, Lancy Armestrang of Quhithauch, Sym Armestrang, younger of Quhithauch, his son, and all others of the surnames of Ellott, Armistrang, Niksoun, Crosair, indwellers of Liddisdale, or upon their lands within Teviotdaill, as also that Waltir Turnbull of Bedroule, Johnne Turnbull of Mynto, and all others of the surname of Turnbull (except such as are at present fugitives for the slaughter of the Grymmislawis), and likewise Johnne Ruthirfurd of Hunthill and all of the surname of Ruthirfurd descended of his house, "sall keip gude reule and quietnes, unoffending be way of deid to ony of the subjectis ather of England or Scotland," till the King's return and 15 days thereafter, "undir the payment and redres of the guidis takin or skaith done of our awne propir gudis" within 48 hours after verification of the complaint. The band is subscribed at Edinburgh, 5th November 1589. The Earl protests that he shall not be held to give the like band after the King's return, "becaus, as he allegeit, it wes nocht possible to him to performe and caus the same be performit and kepit." Page 264.

Edinburgh, 6th Nov.

Sederunt—Dux Lennocie; Hammiltoun; Mar; Mortoun; Magister de Glammis; Episcopus Orcadensis; Pluscarden; Coldenknowis; Murdocairny; Clericus Registri; Blantyre.

Full commission of justiciary to Lord Hamilton for the exercise of the whole of his powers within the district assigned to him during the King's absence.

Johnne, Lord Hammiltoun, being present, declares that, though most willing "to accept upoun him the cair" of the three Wardenries and Lanerkshire, according to the King's proclamation and letter "ressavit be him for the same effect sen his Hienes depairting furth of this realme," yet he should be unable sufficiently to discharge the duty unless he received such ample commission as he formerly had, and desires therefore that effect be given to the article in the King's will proclaimed, bearing that, in case of exigency, the Duke of Lennox and Lord Hammiltoun, together with the Councils separately appointed for them, should meet and take counsel in common. Accordingly, "the saidis Duke of Lennox

Acta 1587-89. and Lord Hammiltoun haveing presentlie convenit, with sindrie noblemen and utheris of his Hienes Counsaill," it is ordered that King's letters be directed, under the signet, giving full power to Lord Hammiltoun to hold courts of justiciary within the said three wardenries (comprehending therein Galloway above and below the Cree) and within the shire of Page 265. Lanerk, Ovir and Nethir Wards of the same, and in these courts to administer justice to all persons "suspect and dilait of thift, ressett of thift, fyre-rasing, murthour, slauchter, grite and violent oppressionis, transporting of forbiddin or unaccustumat guidis, and uthiris odious crymes." Generally, Lord Hammiltoun's commission authorizes him "to do, execute and ūse" all things that for "executioun of the premissis, weill and quietnes of the cuntrey, is necessarlie requirit to be done"; and full indemnity is granted for all actions in the execution of any part of the commission. Proclamation hereof is ordered at the market crosses of the head burghs within the bounds foresaid; and charge is to be given to the Page 266. fencibles within the shire of Air, and bailiaries of Kyle, Carrik and Cunynghame, to meet the said Lord at such places and days, and with such provision, as they shall be advertised by new proclamation. (For the terms of commissions of justiciary in full see vol. ii. pp. 143, 149, 516; vol. iii. p. 670.)

Edinburgh, 10th Nov. Caution for John Richardson.

Caution in 500 merks by James Lokhart, younger of Lie, for Johnne Richardsoun in Westertown of Auchtirbannauch, that he will not harm Robert Aikman in Nethir Bannaburne, Katherene Aikman, his daughter, relict of Williame Richardsoun in Westertoun of Auchtirbannauch, or Robert Richardsoun, her son,—Johnne Smyth in said Westertoun becoming cautioner in relief, and having his name signed for him by John Andro, Clerk of Council.

Edinburgh, 11th Nov.

Sederunt—Dux Lennocie; Dominus Setoun; Episcopus Orcadensis; Pluscarden; Neubottle; Murdocairny; Clericus Registri; Advocatus.

Mr John Graham produces a letter left by the King.

Mr Johnne Grahame of Halyairdis produces a letter, written and subscribed by the King, commanding all his servants, while he is absent, to attend the Duke of Lennox. Mr Johnne had received the letter from the late Mungo Grahame, master of the King's household, and, "in respect he is now depairtit this lyffe," desires that the tenor of the letter may be signified to the King's officers and servants. "For quhilk purpois the same letter wes deliverit in the handis of the Clerk of his Hienes Register."

New order in the case of Mr Hector Munro of Foulis against Lady Foulis.

Supplication by Mr Hector Monro of Foullis, as follows:—It had been decreed by Council that he should have intromission with the whole living of Katherene Ros, Lady Foullis, now in ward, till she should be tried on the charge of witchcraft brought against her (*ante*, p. 392); and he had also found caution to pay her 40s. daily during the said space (*ante*, p. 405). He had made complete payment to her of the said daily sum from 2nd

August to 27th October last; but now the said Katherene, "not being content with the said ordinance, bot mynding still to hald the said Mr Hector in trouble," has lately obtained letters charging him to find caution in £2000 that she and hers shall be harmless of him (*ante*, p. 431) "Quhilk cautioun, for obedience of the saidis letters, he hes found, quhairby he hes denudit himselff of furthir intromissioun with ony pairt of hir leving, seing now, giff he sall onywise mell or intromett thairwith, he sall endanger his cautionair in the said pane of ii^{m} lib." It is "very hard" that he should be obliged to go on paying her the 40s. daily and yet have no intromission with her estate; and, being willing that she shall intromit with the same herself, and having found caution for her indemnity as said is, he prays that command be given to the Clerk of Council to delete the Act by which certain persons are obliged for payment to her of the foresaid daily sum of 40s.—Both parties appearing personally, the Lords, in consideration that the said Katherene consents that the Act made touching the indemnity of herself and her tenants shall be null, ordain the act of caution for the payment to her of 40s. daily "to stand effectuall," and the letters directed thereupon to be put to farther execution against the said Mr Hector and his cautioners, "and that the chargeis and denunciatioun of thame to the horne in cais of not-payment be usit every twa moneths eftir uther," counting from 28th October last till 28th December next, and so forth till the trial of the lady.

Acta 1587-89.

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Suspension of horning against the bailies and council of Renfrew.

Complaint by the Council and inhabitants of the burgh of Renfrew, as follows:—Johnne Jacksoun, alleged bailie of Renfrew, has of late obtained letters, at his own instance and that of Andro Moderwell, one of the bailies of the said burgh, "be the copy quhairof, maid, fenyeit and forgeit be himselff," he has put the said complainers to the horn "for thair allegeit not convening, assisting and concurring with him as baillie of the said burgh in the publict and commoun effearis thairof," especially in dividing the taxations imposed upon the said burgh among its inhabitants, and for "thair allegeit nocht authorising of him in the said office." The letters of horning had been "maist previlie, falslie and wranguslie" executed against them on Saturday last, between 2 and 3 hours in the morning, without sufficient warrant or form, "it being of veritie that the saidis letters, quhairupoun the said Johnne causit use the said fenyeit and fals denunciatioun, wer nocht rased nor past the Counsaill quhill Mononday last, the xiiith of this instant, and swa the space of three dayis eftir the said fenyeit denunciatioun, and contenis onlie a charge to the saidis complenaris for convening, concurring and assisting to him in the said office." In fact, the letters "wer now purpoislie rased be the said Johnne to cloke his awne falshode and turpitude and to intruse himselff in the said office by the accustumat ordour, that thairby he may mak his privat gayne and commoditie of the commoun gude of the said burgh, quhairupoun he hes bene sustenit thir divers yeiris bigane, and that under cullour of the said office he may utter his evill will and malice aganis the saidis complenaris." He had not been elected or chosen to the said office for this present year; but, on the

Acta 1587-89. contrary, James Hall, apparent of Foulber, and the said Andro Modervell, "being lauchfullie and ordourlie electit to the said office, conforme to the observit custume within the said burgh, haue usit and exerceit the same, and hes bene onlie acknaulegeit and authorizit thairin sen Michaelmas
Page 268. last; like as the said James hes bene chargeit as baillie to mak payment of the present taxationis imposit upoun the said burgh,—quha hes acceptit the same charge upoun him, and the saidis complenaris ar willing to contribute to the payment of the said taxt for his releiff." In these circumstances the prayer of the petitioners is that the letters obtained against them by the said Johnne Jaksoun be suspended.—Adam Modervell, elder, Williame Somervill, elder, Williame Snaip, Adam Knox, Johnne Somervile in Tounheid, Johnne Modervell, Williame Somervile, younger, James Sheill, Robert Modervell, and Thomas Knok, all of the Council of the said burgh, appearing for themselves and in name of the burgh, and Johnne Jaksoun being also present, the Lords do suspend the foresaid letters, on the ground that the said James Hall and Andro Moderwell had been duly elected to the office of bailies by those having vote in the election, and are entitled therefore to exercise the said office for this present year.

Band for Cunningham of Caprinton.

Registration, by Mr Johnne Schairp of Houstoun, advocate, as procurator for the parties, of a band of caution in £2000 by Williame Cunynghame of Caprintoun, as principal, and Johnne Boiswall of Auchinlek, as surety for him, that Agnes Hammiltoun, Lady Caprintoun, and Daniel Cunynghame, her son, shall be harmless of the said principal. Subscribed at Terboltoun,
Page 269. 5th November, before Mr Johnne Nesbitt, minister at Terboltoun, Johnne Boiswaill, son to the said Johnne Boiswaill of Auchinlek, George Campbell, Finla Campbell, servants to the said Williame Cunynghame, and Johnne Foullair, notary public.

Edinburgh, 15th Nov.

Sederunt—Dux Lennocie; Episcopus Orcadensis; Murdocairny; Coldenknowis; Culrois; Pluscarden; Clericus Registri.

Commission for apprehension of Lord Cathcart, Wallace of Craigie, and certain others denounced at the instance of Lord Claud Hamilton.

Supplication by Lord Claud Hammiltoun, Commendator of Paislay, and Dame Margaret Seytoun, Lady Halsyde, his spouse, as follows:—Allane, Lord Cathcart, Allane Cathcart of Gibbisyaird, with divers other servants of Lord Cathcart, upon 31st May last, and Gabriel Sempill of Caithcart, upon 22nd September last, had been put to the horn, by virtue of certain decrees obtained by the petitioners before the Lords of Session and commissary of Glasgu, for non-payment to them of victuals owing by the said persons. Also, upon 7th October last, Johnne Wallace of Cragy had been denounced rebel at the instance of the petitioners, for not desisting from holding courts within the lordships and baronies of Monktoun and Dalmelling; and upon the same day, on complaint of divers oppressions done to the petitioners and their tenants by the said Johnne Wallace, and for not finding caution to keep the petitioners harmless, there had been denounced Johnne Wallace of Auchannis, Hew Wallace of Carnell, Robert Wallace, his son, Hew Wallace of Quhirrilfurde, Johnne

Crawfurde of Shaw, Hew Crawfurde of Tempilland, and sundry other friends of the Laird of Cragy. As the foresaid rebels had paid no attention to the processes used against them, the petitioners had lately, "befoir his Hienes departur furth of this realme," complained to the King and Council and obtained letters charging the said persons to render their houses and castles, and enter their persons in ward, under pain of treason. These letters, however, "contening sa grite and wechtie ane pane," the complainers had been loath to execute them, "in cais they could be ansuerit of their rentis," and also because, during the King's absence, they were unwilling to disturb the public quiet. But now, as the said persons continue in their rebellion and are resolved to frustrate the complainers "alluterlie" of their living, the complainers "ar necessarlie forceit to execute the saidis chargeis of tressoun aganis thame," and to "sute commissioun" for compelling payment of their rents, and obedience to the King's laws.—This petition having been read and considered, the Lords ordain that no suspension of the said letters of treason shall be granted to the said persons or their accomplices till they shall have obtained relaxation from the process of horn led against them for the cause abovewritten; and, further, they grant commission to the sheriffs of the shires of Air and Edinburgh principal, and their deputes, with the provosts and bailies of Edinburgh and Air, the bailies of Carrik and Cunynghame, and the stewards of Kirkcudbrycht and Annanderdale, and to all officers of arms, sheriffs in that part, to apprehend the said rebels and present them before the Justice, to be punished for their demerits,—said commissioners to have full indemnity for their proceedings for such apprehension. The commission is to be published by open proclamation at the market crosses of the head burghs of the said shires, stewartries and bailiaries; and the lieges within the said bounds are to be charged to "ryse, concur, fortifie and assist" the commissioners, "undir all hiest pane, cryme and offens that thay may committ and inrin aganis his Majestie in that behalff."

Acta 1587-89.

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Edinburgh, 18th Nov. Caution for Mr Andrew Harvie.

Caution in £1000 by Sir Walter Ogilvy of Findlettir for Mr Andro Harvy in Blairis, that he will not harm Gilbert Menzeis of Pitfoddellis, or Mr Thomas Menzeis of Durne, his curator,—James Harvy, son and apparent heir of the said Mr Andro, becoming cautioner in relief.

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Caution for MacLellan of Balmanan.

Caution in 500 merks by Robert Charterhous of Kelwode for Williame M^{c}clellane of Balmannane, that he shall apprehend Niniane Lintoun in Culdroch, Jonnet Forrestair, Thomas Lintoun, her spouse, and Thomas M^{c}clellane of Grata, and enter them within the tolbooth of Edinburgh, conform to the letters executed against him at the instance of Johnne Dungalsoun, burgess of Edinburgh,—Gilbert M^{c}clellane, son of the said Williame, becoming cautioner in relief.

Edinburgh, 19th Nov.

Johnne, Lord Hammiltoun, having been entrusted with the "cair, oversicht and commandiment" of the three Wardenries and of the whole of Lanerkshire, and having also commission of justiciary within the said bounds,

Acta 1587-89. and it being thought convenient, "for the bettir observatioun of peax and quietnes betuix baith the realmes," that he should repair to the Borders in December next, "accumpanyit with a force," for the exercise of his commission, it is now ordered that all and sundry earls, lords, barons, landed men, "substantious yemen," and inhabitants of burghs, within the bounds of the shire of Air and bailiaries of Kyle, Carrik and Cunynghame, shall meet the said Lord at Drumfreis upon 8th January next, "weill bodin in feir of weir with xx dayis provisioun," to the effect abovementioned, under pain of loss of life, lands and goods. In order that all the lieges subject to this proclamation "may salflie pas, resorte and repas to that effect, without feir of feid or particulair revenge in the meantyme," all the lieges within the said bounds are to be charged "to leif in concord, amitie and gude nychtbourheid," and to keep "this tyme of his Majesteis absens haly and unviolat frome committing of all outragious and wicked deidis." Proclamation for a muster at Dumfries, to attend John, Lord Hamilton, as Justiciary on the Marches.

Page 272. *Sederunt*—Lennox; Hammiltoun; Bothuill; Thesaurarius; Episcopus Orcadensis; Murdocairny; Coldenknowis; Ormestoun; Culrois; Clericus Registri; Advocatus; Menmure; Halyairdis; Culluthy. Edinburgh, 20th Nov.

Johnne, Lord Hammiltoun, having "exponit and declairit" to the Council his intention to repair to the Borders for the exercise of the powers intrusted to him by the King, and at the same time craving, "in respect thairof and of the grite and extraordinair chargeis and expenssis to be sustenit be him thairby," that his Majesty's will, "tuicheing his releif thairof of the reddiest of the taxatioun appointit for the furtherance of his Hienes mariage," might be carried into effect, and that, for his better relief therein, "it mycht be condiscendit upoun in speciall quhat sowme suld be payit, be quhome, and of quhat terme, that, he being certifiet thairof, he mycht levy and interteny forceis accordinglie," and the request being thought reasonable, the Lords ordain Mr Johnne Colvill, collector general of the late taxation of £100,000, to pay or assign to the said Lord the sum of £10,000 furth of the said tax "and oute of sic boundis (except the burrowis) as he sall like best of and mak his chois," decerning all other gifts or assignations in favour of any other person out of the said taxation to be null till the said Lord shall have first received payment of the said sum. Moreover, for the said Lord's farther security, it is ordained that no gifts of escheats of "personis to be denunceit to the horne for ony pairt of the said taxt salbe disponit unto the tyme he be first answerit and payit of the sowmes for quhilkis thay ar disponit.' Proclamation is to be made of this Act. Assignation of £10,000 to John, Lord Hamilton, out of the tax of £100,000 for the King's marriage.

Registration, by Mr Henry Balfour, advocate, as procurator for the parties, of a band, as follows:—Gabriel Sempill of Cathcairt, alleging Johnne Semple, now resident in France, to be indebted to him in divers sums of money for which he became cautioner for him and for which he was warded within the tolbooth of Edinburgh for three years and four months, declares Edinburgh, 22nd Nov. Band for Lord Semple and others.

the said Johnne to have disponed to him all and whole the five and a half merkland of Craginfeyoch, with the mill thereof, lying in Renfrewshire. In virtue of this disposition, he had, he alleges, been in peaceable possession of the said lands and mill till lately, when, by the hounding on of Robert Mure of Cauldwell, Robert, Lord Sempill, Andro Sempill of Bruntsheillis, Adam Quhytefurde, younger of that Ilk, and William Sempill, officer, "intendis, wranguslie and by all ordour of law and justice, to disposses and debar the said Gabriel, be dwanging and ouerthrawing of his allegeit tennentis of the saidis landis, to move thame to lay the same waist, and swa be tyme to appropriat the saidis landis and mylne to the said Lord." As this would be to the utter ruin of the said Gabriel, he had obtained King's letters, and therewith, upon 16th November instant, had caused David Wilsoun, messenger, to charge all the persons complained of to find caution not to harm the said Gabriell, his tenants, or servants, under these penalties: £1000 for Lord Sempill, 1000 merks each for the said Andro, Adam and Robert, and 500 merks for the said Williame. Accordingly, Johnne Brisbane of Bischoptoun, Johnne Sempill of Foulwode, Williame Glen of Bar, and Williame Cochrane of that Ilk, had become sureties for the forenamed Lord Semple, Andro Semple, and Robert Mure, to the effect abovewritten. Mr Henry Balfour and Mr Johnne Prestoun are appointed procurators for registering the obligation, which is subscribed at Castle Sempill and Paislay 18th November, before Williame Semple, fiar of Craginfeyoch, James Semple of Milbank, Mathew Sempill of Bargane, Johnne Pirrhie, notary.

Acta 1587–89. Page 273.

Opsloe, 25th November.[1] Act of exoneration and grateful approbation to the Earl Marischal and his companions for all their proceedings in the embassy to Denmark for the King's marriage.

"The quhilk day, the Kingis Majestie and Lordis of Secreit Counsaill having at grite lenth hard, sene and considderit the haill procedingis of his Hienes richt traist cousing and counsallour, George, Erll of Mairshael, Lord Keith and Altree, his Hienes lieutennent in the north, his Hienes traist cousing and counsallour Androis, Lord Dingwall, colonell generall of his realme, his trusty and weilbelovitt counsallour James Skryngeour of Dudop, constable of Dundee, together with his Hienes trusty and weilbelovitt servitouris, Maister Johnne Skene, advocat, and Mr George Young, archideane of Sanctandrois, his Majesteis ambassadouris directed towardis Denmark for treating, concluding and solempnizing of his Hienes mariage with the richt heich, richt excellent, and worthy Princesse, ANNE,

[1] The dating of this Act takes us across the German Ocean after the King. A voyage of six days, from his embarkation at Leith on the 22nd of October (*ante*, p. 430, footnote), had brought him to the coasts of Norway; and on the 19th of November he reached the Norwegian town of Opsloe,—*i.e.*, the original old town round which Christiania, the present capital of Norway, has gathered. Here, on Sunday the 24th of November, he was "maried in proper persoun" to the Princess Anna by the Scottish chaplain he had taken with him, Mr David Lindsay, minister of Leith; but, as it had been previously arranged by the Danish Council that she should not take the sea till winter was past, the time of the King's return to Scotland with his newly wedded bride was yet uncertain. The present Act, dated the day after the marriage, refers to the proceedings of the Earl Marischal and the rest of the Embassy to Denmark in negotiating the marriage and in all else that had devolved upon them before the King's own arrival in Opsloe.

Ic 1587–89. secund suster to his Hienes darrest bruthir and cousing, CRISTEANE THE FOURTE, Elected King of Denmark, in the said wechtie eirand committed

Page 274. unto thame; and thairwithall being ryplie and at lenth avised with the forme and tennour of the contract past and interchengeablie seillit and subscryved thairanent betuix the richt excellent, richt heich and mychtie Princesse, his Hienes darrest suster, the Quene of Denmark, his Hienes darrest bruthir, the said Elected King, and the foure regentis and governouris of that realme, on the ane part, and thame as his Hienes ambassadouris and in his Hienes name and authoritie upoun the uther, exhibited and red befoir his Hienes and Lordis foirsaidis, and beiring date the xx day of August 1589,—together with the forme and tennour of the attestatioun sealit, subscrivit and deliverit be thame to the saids regentis anent the Ilis of Orknay, proporting in effect a grant maid at thair requisitioun be the foirsaidis King and regentis that all furthir clame or repetitioun of the foirsaidis Ilis, upoun quhatsumevir pretendit rycht or interes allegeit thairto be that Crowne, salbe supersedit and continewit, for thair pairtis, unto the said Elected Princes perfyte age, and the saidis ambassadouris acceptatioun thairof in name foirsaid, alwayes but prejudice of quhatsomevir richt or title acclameit thairto be ather of the Crownis, as at mair lenth is contenit in the said attestatioun, quhairof the autentique, subscrivit be the handis of the saidis haill four governouris, beiring the date foirsaid, wes lykwayes exhibited and red befoir his Hienes and Lordis foirsaidis, togethir with the forme and tennour of the solempne aith interponit be the saidis ambassadouris, at the desire and requisitioun of the saidis twa Princes and foure governouris, for his Hienes compleiting and effectuating of all thingis promissed and contracted betuix thame and thair foirsaidis anent the mariage or any pertinent thairof: All the quhilkis contractis and pieces being, as said is, exhibited and red in presence of his Majestie and Lordis foirsaidis, and the samyn, together with the requisitioun maid be the saidis ambassadouris to the saidis Quene and governouris anent the transporte of the said Princesse toward Scotland in this winter seasoun, and all the remanent particuleiris done or assented to be thame and at lenth deduceit and discoursit unto his Majestie and Lordis foirsaidis, being be thame diligentlie examinat and conferrit with the strenth and tennour of the commissionis and instructionis gevin thame thairanent, red likwayes and produceit befoir his Majestie and Counsaill to that effect,—Findis and declairis that his Hienes rycht traist cousing and all uthiris his collegis foirsaidis have, in thair treating, contracting and solempnizing of his Majesteis said mariage with the said Princesse, in thair consenting, perfyteing, intercheangeing and deliverie of the saidis contract, attestatioun and aith in the said forme and tennour, in thair said requisitioun anent the sending hame of the said Princesse in this seasoun, in convoying hir baith in and oute of harboryis according to the wind and weddir that occurrit, in preissing hir remaning within Norroway eftir the resolutioun tane be hir convoy to returne hir bak agane to Denemark, in thair consenting to hir residence and remaning

heir at Upslo till the returne of hir said moderis furthir mynd anent the prosequutioun of hir jornay toward Scotland, and generallie in all and quhatsumevir uthir particulair deid or actioun pertening to the foirsaid treaty done or assentit to be thame, or any of thame, fra the begynning to the end thairof,—all quhilkis his Majestie, with avise foirsaid, haldis for particularlie expressit and specifeit in this discharge,—to have conformeit thame in every point to thair commissionis and instructionis foirsaidis, and thairin honnourablie and deutifullie to have dischargeit thame of the said wechtie eirand committed unto thame, and to have done his Majestie, his realme and haill estate, maist memorable and worthy service, deserving his Hienes favourable rememberance thairof to thame and thair posteriteis in all tyme cuming; quhairof his Majestie sall find na sonnair the occasioun nor he will latt the same appeir to every ane of thame, to thair advancement baith in benefite and honnour: Exonering, releving and dischargeing thame and every ane of thame, thair airis, for his Hienes and his successouris, of the saidis commissionis, instructionis, contract and uthiris pieces befoir mentionat, haill articlis, claussis and conditionis thairof, and quhatsumevir foirsaid ather intervenit or followit thairupoun frome the begynning of the said treaty unto his Majesteis repair to this said toun of Upslo, and of all pane and persute that may impend or be intendit criminallie or civilie aganis thame, or ony of thame, be his Majestie or his foirsaidis, for any thing pertening to the foirsaid treaty done or committed be thame or ony of thame induring the said space. And, for that the abbacie of Deir, being erected be his Majestie in a temporall lordship, wes be his Hienes disponit to his said cousing and incorporat in his said erldome, in consideratioun of his designatioun at that tyme for the said service and the exorbitant expenssis quhilk the honnourable discharge thairof wald crave and putt him to,—quhilk now it hes pleasit God to effectuat be his meane,—thairfoir his Majestie and Lordis foirsaidis have declairit, and be the tennour of this present act declairis, his Hienes cousing foirsaid to have honnourablie, dewtifullie, and to his greitast chargeis and expenssis, effectuat and fulfillit the caus and motive of the said erectioun and unioun specifeit in his infeftment, and that in the performance thairof he hes maist worthelie deservit the foirsaid benefite in a perpetuall monument of his said service to him and his for evir: promissing in that respect, in his Hienes princelie and inviolable worde, to caus this said discharge and declaratioun to be confermit and ratifeit be his Hienes Three Esteatis in the nixt Parliament, and ordening in the meantyme this present act to be insert and registrat in the Buikis of Secreit Counsale, *ad perpetuam rei memoriam*."

Acta 1587–89.

Page 275.

Edinburgh, 27th Nov.

Sederunt—Lennox; Bothuill; Magister de Gray[1]; Coldenknowis; Murdocairny; Clericus Registri; Computorum Rotulator.

[1] The re-appearance of the Master of Gray in his old place in the Council may well be a surprise when we remember the circumstances of disgrace and ignominy in which we last saw him in May 1587 (*ante*, p. 166). He had ventured to return from his exile in May

Acta 1587–89. The charge of collecting from the small barons and freeholders of Forfairshire their parts of the second and third terms' payment of the sum of £40,000, granted by them to the King for their vote in Parliament and General Councils, having been committed to James Skryngeour of Dudop, constable of Dundee, who is now furth of the country in his Majesty's service, so that "the same sowmes ar yit restand unpait," while the persons who owe them altogether refuse to pay, alleging that there is no one within that shire who has power to receive the money and give them discharge,—on this account, "and in respect of the present neid of money for outred of his Majesteis speciall effearis," the Council have nominated James Bonar, sheriff depute of Forfair, as collector of the said second and third terms' payment within the same shire, he to pay the same to Sir James Hume of Coldenknowis and Sir Robert Melvill of Murdocairny, collectors general for the whole, between this date and 1st January next. Now, "becaus of the said James refusaill to accept the said charge upoun him," letters are ordered to charge him to undertake the duty within 24 hours after being charged, under pain of rebellion. It is also ordained that there be uplifted of every poundland of old extent within the said shire held by the small barons and freeholders immediately of the King or any other superior, or held of them by any subject of the realm, the sum of 40s. money; for payment whereof letters are to charge all the heritors or present possessors of the same lands to answer to the said James Bonar within ten days after been charged, under pain of rebellion. Charge is also to be given to the small barons and freeholders, by proclamation at the market crosses of Forfair, Dundee and other fit places, not to make payment of their shares to any other person, any previous command notwithstanding.

James Bonar appointed collector of the second and third terms' payment of the tax of the small barons in Forfarshire.

Caution in 300 merks by Alexander Maxwall of Balgredane for Johnne Maxwall of Gararie, that he shall answer before the Council upon 20th February to a complaint of Malcolme Fleming of Litle Aros.—Deleted by a warrant subscribed by the King at Haliruidhous, 10th December 1591.

Edinburgh, 3rd Dec. Caution for John Maxwell.

Page 276. *Sederunt*—Lennox; Mortoun; Magister de Gray; Pluscarden; Coldenknowis; Culrois; Clericus Registri; Ormestoun; Computorum Rotulator; Menmure; Magister Joannes Grahame de Halyairdis; Culluthy.

Edinburgh, 4th Dec.

Page 303. (Acta 1589–91.) Complaint by Williame Paxtoun, as follows:—The late James Tailliour in Carnquhelp having spuilyied from the complainer 22 bolls of oats and 4 bolls of bear, with the fodder, he had prosecuted the said James, first before the sheriff of Abirdene, and next before the Council and Session,

Order to denounce John Gordon and others.

last, coming to Edinburgh in company with the English Lord Hunsdon; and his reception by the King and Chancellor Maitland had been such as to beget the belief that his banishment had all along been "but onlie for the fashioun." (See Calderwood, v. 58, and *Calendar of English State Papers relating to Scotland*, pp. 563–566.) He had not, however, been brought back into the Council till now, when the King was absent.

and "eftir lang play obtenit the same spuilyie to his probatioun." But the said late James, "feiring that the said complenair wald prevail," had, by "the crafty perswasioun and counsaill" of Johnne Gordoun of Auchquhannochy, assigned to the said Gordoun all his gear. Gordoun had, accordingly, intromitted with the same; and, though he had promised to satisfy the complainer out of the first thereof, he still withholds the satisfaction. Further, nine years ago or thereby, Williame Andirsoun in Carnequhelp had wrongfully ejected the complainer from his mailing in Carnequhelp, "tirvit his houssis and onsettis, and reft and spuilyeit his haill guidis and geir." Still further, Gilbert Barclay in Swalbog, Thomas Mar, Walter Barclay in Drumbelgy, "reft and awaytuke" from the complainer, nine years ago, nine cows and an ox; and, further still, George Gordoun in Balnagyrro spuilyied the complainer of £10, 1s. 4d., "and straik and dang" Alexander Paxtoun, officer, in execution of his office. The complainer is not able to seek redress for these various injuries because of his poverty, "swa that, without his Majestie and his Prevey Counsaill, movit of pitie, provide remeid, he will alluterlie perishe."—Parties having been summoned, and the complainer appearing personally, but Johnne Gordoun, Gilbert Barclay, Williame Andirsoun, George Gordoun, Thomas Mar, and Walter Barclay, failing to appear, the order is to denounce them rebels. Acta 1587–89.

Johnston of that Ilk against Lord Maxwell: contest for jurisdiction and office.

Complaint by James Johnnstoun of that Ilk and Andro Johnnstoun of Mungebank, as follows—Johnne, Lord Maxwell, on the ground that he had obtained a charge, subscribed at Craigmyllair by the King and the Chancellor on the 29th September last, had, through Johnne Maxwall, messenger, on the 1st November last, commanded the complainers to desist from using any of the said Lord's offices; and, for their disobedience, he now intends to put them to the horn. Now, "the said letter is direct specialie aganis certane personis" alleged in it as "intrusaris of thameselffis" into the said Lord's lands and offices, "quhairof the saidis complenaris ar nocht in nowmer, nather specialie nominat thairintill, bot interlynnit on the mairgeane thairof; lyke as, at the geving of the said pretendit charge upoun the day foirsaid, thay tuke instrumentis thairupoun, and that thay wer nocht contenit in the body of the said principall letter produceit be the said messinger, bot interlynnit on the mairgeane thairof be the said Lordis awne hand-write, as the said messinger declairit." Moreover, the said James keeps no steward court, and has not intruded himself into any of the said Lord's offices, holding only such courts as the King had commanded him by his commission to keep upon his own lands and bailiary and upon his own friends and servants, for keeping good order within the country; "like as his Majesteis selff directed him to do furth of his awne mouth, befoir his Hienes depairtur furth of this realme; quhilk can not be takin away nor maid ineffectual be the pretendit discharge of the said interlynnit lettir; and swa, quhill his Majesteis returning (quhen it sall pleis God), or uthirwayes his Hienes declaratioun and will to be maid thairanent, the said complenair aucht nocht to be Page 276.

Acta 1587-89. dischargeit to do the same, bot, according to his dewitie in that behalff, to obey his Majesteis will and directioun gevin to him as said is." On these grounds the complainers ask suspension of "the said interlynnit letter, and pretendit discharge gevin be vertew thairof, and pretendit hoirning, giff ony be."—The said James appearing for himself and for the said Andro, and the said Lord Maxwall being also present, and the latter consenting that the Lords of Council should give decree in the matter upon sight of the copy of the said letters which had been produced by James Johnnstoun, just "as giff the saidis letters had bene thair present," the Lords, having considered the said copy, together with the commission foresaid, subscribed by the King and his Chancellor at Halirudhous, 8th April 1588, charging the said James to take trial of all enormities com-
Page 277. mitted within the bounds of his heritage, and to hold courts of bailiary to that effect, do suspend *simpliciter* the letters of horning, but at the same time decern the foresaid commission passed to James Johnnestoun to be null, and discharge the complainers from holding of courts by virtue thereof.

Suspension of horning against MacLellan of Balmanan.

Complaint by William M^c^clellane of Balmannane, as follows :—Johnne Dungalsoun, burgess of Edinburgh, alleging that Niniane Lyntoun of Culdooch, Jonnett Forrestair, Thomas Lyntoun, her spouse, and Thomas M^c^clellane of Grata, were put to the horn for not restoring to him certain goods spuilyied from him, or else paying £1994, 6s. 8d. as their value, and that these persons are reset by the said Williame, has caused charge him to apprehend them in any part of the stewartry of Kirkcudbrycht, and to enter them within the tolbooth of Edinburgh, to remain there till relaxed, and, for his alleged disobedience, has put him to the horn or intends to do so. Now, the said persons are not the complainer's men, dwell not on his lands, are not "undir his obeysance," were not reset by him or intercommuned with by him; "and, thai being clannit gentilmen in the cuntrey, thair apprehensioun is altogidder impossible to the said complenair; and he is nawise subject nor astricted to tak thame be the generall band, nor na utheris bandis, lawis or custume." Yet, in obedience to the said letters, the complainer had, upon 5th August last, searched for the said persons at their dwelling houses of Graitnay and Culdoch, but had been unable to apprehend them. He pleads that the letters against him should therefore be suspended *simpliciter*.—The complainer appearing by George Redik, his procurator, and the said Johnne Dungalsoun appearing personally, the Lords do suspend the letters, because the said Williame is not sheriff,
Page 278. steward or judge ordinary in the country where the said rebels dwell, and because, if the rebels were the complainer's men or dwelt upon his lands (whereof the "contrair is affirmit"), yet the form prescribed in the general band "suld be followit oute in this, and all utheris of the like cais." On this last ground, they order the complainer to be pursued according to the "tennour of the same band, lawis and practique observit in sic caissis."

David Dundas of Priestsinch against Robert Fraser of Overton and others.

Complaint by David Dundas of Preistisinche, as follows :—In 1587 "thair wes ane gray cursour stollin and awaytane fra the said complenair be sum personis furth of the mansioun"; and in September last two

mares and a horse had been stolen from him,—which horse and mares he has "challangeit and apprehendit" in the hands of Sandie Wemys in Hawik, Robert Ellott in Borthuikbra, servant to Watt Scott of Tushelaw, Robert Frasair, younger of Ovirtoun, and Andro Armestrang, called of the Lyn, who, though often required, refuse to restore the same. —Dundas appearing personally, but the defendants failing to appear, the Lords ordain them as before to restore the horse and mares or else to show cause to the contrary, within six hours after being charged, under pain of rebellion. Acta 1587–89.

Edinburgh, 5th Dec. Caution for Lady Caprinton, Daniel Cunningham, and William Mure.

Caution by Daniel Cunynghame of Dalkeith, as principal, and Williame Mure, apparent of Ruallane, as surety for him, and by the same persons as sureties for Agnes Hammiltoun, Lady Caprintoun, and Williame Mure, her servant, that they will not harm Williame Cunynghame of Caprintoun, —the Lady under a penalty of £1000, Daniel of 1000 merks, and Williame of 300 merks. Page 279.

Edinburgh, 6th Dec. Caution for John Graham.

Caution in 300 merks by James Lokhart, younger of Lie, for Johnne Grahame, brother of the Laird of Westhall, that he will not harm James Levingstoun, younger of Jerveswode, or Issobell Johnnstoun, his tenant.

Edinburgh, 13th Dec. Caution for Robert Sinclair.

Caution in 1000 merks by Thomas Foullis of Brounysyde for Robert Sinclair, writer to the Privy Council, that he shall deliver the house of Blanse, pursuant to the letters executed against him at the instance of Margaret Hay, and Robert Fleming, her spouse, in case it shall be found he ought.

Opsloe, 15th December. Act empowering Chancellor Maitland to make certain presents of plate out of his Majesty's "copburde" to two Danish noblemen for their services in the matter of the King's marriage, retaining the rest of the pieces in the "copburde" for himself.

"The quhilk day, the Kingis Majestie, with advise of his Hienes Secrete Counsaill, haveing consideratioun of the grite panes and travellis imployit be his trustie and weilbelovittis Steno Brahé, Counsallour of the Estate of Denmark, and Apil Gudlingstarre, governour and lieutennent to his darrest bruthir and cousing the King of Denmark in this kingdome of Norroway, alsweill in thair attendance upoun his Hienes darrest bedfellow and Quene sen hir first cuming in thir pairtis, as in thair honnourable recueill and intertenyment of his Majestie sen his arryvaill, and accomoding of baith thair trynis in lugeing and uthiris necessairis, according to the seasoun and commoditie of the cuntrey; and finding it maist expedient and requisite in honnour that now, quhenas his Hienes, invited be his darrest moder the Quene of Denmarkis ambassadouris and letters, intendis to remove, God willing, towardis Denmark, thay baith be gratifeit with sum honnourable rememberance in taikin of his Majesteis gude acceptatioun of thair service and of his Hienes favour and gude will, quhilk thay deservedlie posses;—Ordanis, thairfoir, and commandis his Hienes richt trusty and weilbelovit counsallour, Schir Johnne Maitland of Thirlstane, knicht, his Hienes Chancellair and Secretair, to select and chuse out of his Hienes copburde, quhilk he hes presentlie in keiping, ane basing and ane lawer, Page 367. (Acta 1589–91.)

Acta 1587-89. with sax coupis and thair coveris, togidder with ane coverit saltfatt of the fairest and maist bellisant amang thame, and caus thame be deliverit to the said Steno in a rememberance foirsaid: quhilk being done, that in lyke maner he chuse oute als mony of the nixt fair peceis of the like sorte and facon, and see thame gevin to the said Apill in a lyke memoriall and taikin. And, for the remanent peceis, his Hienes haveing consideratioun of the grite chargeis and expenssis quhilkis his said Chancellair hes debursit in accumpaneing his Majestie to this voyage, as alswa of the grite quantitie of silver werk gevin and propynit be him to sindrie personis at his Hienes command and in his Hienes name, quhenas his Majestie wanted of his awne to that necessitie, thairfoir his Hienes and Lordis foirsaidis have gevin and granted, like as be the tennour heirof his Hienes, with avise foirsaid, gevis, grantis and disponis, to his said Chancellair the saidis haill remanent peceis of that copburde, by and attour the saidis propynnis, to be intromettit with, retenit, usit and disponit upoun be him as his propir in all tyme cuming; and thairfoir his Majestie, with consent foirsaid, exoneris, relevis and dischargeis the said Chancellair, his airis and executouris, of the said copburde, and haill peceis thairof, for his Hienes and his successouris now and evir, ordaining the same to be inacted and registrat in the Buikis of Secreit Counsaill, *in perpetuam rei memoriam.*"[1]

Page 279. Caution in £100 by Johnne Seytoun of Piteddie for Richard Balcanquell, elder, in Auchtirmuchtie, that he shall appear before the Council on 10th January next, to stand trial on the charges brought against him by David Murray, one of the King's master-stablers. Edinburgh, 17th Dec. Caution for Richard Balcanquhal.

Page 280. Caution to the same effect by George Dury of Kynneuchy for James Gilmure and Robert Myllair in Auchtermuchtie, either of them in £100. Caution for James Gilmour and Robert Millar.

Caution by Alexander Stewart of Blaknes for Johnne Smollett of Kirktoun in 500 merks, and for George and Williame Smollattis, his brothers, and Williame Glen, his servant, in £100 each, that they shall appear before the Council upon 20th February next. Caution for John Smollett and others.

Caution in 2000 merks by Daniel Cunynghame of Dalkeith for Johnne Mure of Ruallane, that he shall deliver Alexander Cunynghame and Alexander Galloway to Sir Williame Lauder of Haltoun, conform to the letters executed to that effect, in case it shall be found he ought,—Williame Mure, apparent of Ruallane, becoming security in relief. Caution for John Mure of Rowallan.

Sederunt—Lennox; Magister de Gray; Coldenknowis; Barnbarrauch; Edinburgh, 19th Dec.

[1] The Steno Brahé of this entry was the brother or uncle (?) of the great astronomer Tycho Brahé. The astronomer himself was then living, at the age of forty-three, at his famous observatory or castle of Oranienberg in the Island of Hveen in the Sound, about twenty miles north of Copenhagen; but members of his family, which ranked high among the Danish nobility, were resident at the Danish Court or dispersed through Denmark and Norway in the Danish service. As the entry shows, King James and his young Queen were then on the point of leaving Norway for a visit to the Danish Court, on invitation from the Danish Queen-mother, and her son, the reigning King, Christian IV. They left Opsloe for Denmark on the 22nd of December.

Ormestoun; Blantyre; Culrois; Menmure; Culluthy; Magister Petrus Young. Acta 1587-89.

Order to denounce Cunningham of Tourlands and others for not answering a charge against them at the instance of Chancellor Maitland, now absent from the realm.

Complaint by Sir Johnne Maitland of Thirlstane, Chancellor, as follows:—There had been disponed to him the gift of the ward, nonentries and duties of the lands of Cunynghameheid, which had come into the King's hands "be ressoun of warde" by decease of Cunynghame of Cunynghameheid, "last immediat tennent to his Majestie of the same." Now, although the Chancellor, by virtue of the said gift, has good and undoubted right to the mails and duties of the said lands and to the office of bailiary among the tenants thereof during the time of the said ward, yet Williame Cunynghame of Tourlandis, who was put to the horn for not rendering the places of Cunynghameheid and Powkellie to the said Chancellor, had come to the said lands in November last, accompanied by Archibald Cunynghame in Monkland, Williame Cunynghame of Sowchuke, Johnne M°kaden, Johnne Rankill, Alexander Cunynghame, servitors to the said Laird of Tourlandis, James Bar in Bargary, Williame Barclay of Peirstoun, Laurence Lin of Bourtriehill, and Alexander Cunynghame in the Rawis of Grugair, with accomplices to the number of "aucht scoir" persons, "all bodin in weirlike maner, and in speciall with jakkis, lang gunnis and pistollettis, prohibite" to be worn, and there had held a pretended court Page 281. and had compelled the tenants to pay to the said Laird of Tourlandis part of their mails and duties. Immediately afterwards, they had repaired to the place of Cunynghamheid, kept by the Chancellor's servants, "and schoit and dischargeit thair saidis gunis and pistollettis at the windois thairof, and be force did quhat thay could to have recoverit the same." Further, the said Laird, taking advantage of the Chancellor's absence from the realm, intends to hold another bailie court, with the like assistance, within the barony of Cunynghameheid, in December instant, and again to compel payment of dues from the Chancellor's tenants or else to intromit with their goods, and otherwise to "oppres thame in sic sorte that thay salbe compellit to skaill thair houssis, suffir the saidis landis to ly waist, and disapoint thairby the said Chancellair of the dewiteis thairof."—The Chancellor appearing by Thomas Young, but Williame Cunynghame, Johnne M°aden, Johnne Rankill, Alexander Cunynghame, James Bar, Archibald Cunynghame in Monkland, Alexander Cunynghame, Williame Cunynghame of Souithheuiche, and Laurence Lin of Bourtriehill, failing to appear, the order is to denounce them rebels.

Caution for David Munro.

Caution in 1000 merks by Johnne Campbell of Calder for David Monro, portioner of Swardell, that he will not harm Hector Monro, apparent of Assint.

Band for Colin Spens, burgess of Rothesay

Registration, by Mr Richard Spens, advocate, as procurator for the parties, of a band of caution in £500 by Johnne Stewart, sheriff of Bute and provost of the burgh of Rothesay, for Coline Spens, burgess of the said Page 282. burgh, that he will not harm Johnne Gray, burgess of Rothesay. Subscribed at Edinburgh, 16th December, before Patrik Campbell and Dougall

Acta 1587-89. Campbell, servitors to the said sheriff, and Johnne M^c^illea in Bute,—James Hegat, notary, subscribing for Colin, who cannot write.

Edinburgh, 22nd Dec. Caution for Montgomerie of Skelmorlie.

Caution in £1000 by Robert Montgomerie of Skelmurlie, as principal, and Robert Lindsay of Balhall (Balhalur), as surety for him, that he will not harm Williame Mure, younger of Ruallane, his tenants or servants.

Band for Chalmers of Little Segyden.

Registration, by Mr Olipheir Colt, advocate, as procurator for the parties, of a band of caution by Olipheir Peblis of Chaippelhill for Williame Chalmer of Litill Segyden, that he will not harm Williame Chalmer, younger, brother of Thomas Chalmer of Segyden, under the

Page 283. penalties contained in the letters executed against him. Subscribed at Perth 19th December, before Williame Mersair, Adam Melving, *alias* Malice, writer, Williame Robertsoun, notary, and Johnne Robertsoun, notary.

Band for Mr Walter Lindsay of Balgays.

Registration, by Mr Thomas Craig, advocate, as procurator for the surety, of a band of caution in £10,000 by Francis, Earl Bothuill, great admiral of Scotland, for Mr Walter Lindsay of Balgais, that, upon eight days' warning by proclamation at the market cross of Edinburgh, or at the dwelling house of Mr Johnne Lindsay, parson of Menmure, within the said burgh, he shall enter again in ward in Edinburgh Castle, or with Sir Johnne Maitland of Thirlstane, Chancellor and Secretary, and shall remain in ward till he be "tryit foule or clene of that quhairof he is dilaitit," conform to the warrant subscribed by the King and the Chancellor for release of the said Mr Walter furth of Edinburgh Castle, dated at Upslo 29th November last. Subscribed at Edinburgh on December 1589.

Edinburgh, 29th Dec. Band for John Hutton and others.

Registration, by Mr Alexander King, advocate, as procurator for the surety, of a band of caution by Johnne Maxwall of Buttilmanis for Johnne Hutoun, messenger, Johnne M^c^kartnay, younger of Lathis, Williame Sturgeoun, Andro Sturgeoun, his son, Johnne Sturgeon in Cowcors, James and Johnne, his sons, in 300 merks each, that Harbart Maxwell, younger of Cavens, his men, tenants and servants, shall be harmless of the said

Page 284. persons. Subscribed at the town of Ur, 26th December, before Williame Redik of Dalbatie, James Lindsay of Barcloy, James Maxwell, "my sone," James Maxwall of Auchinfad, Symone Johnnstoun of Newsheillis, Alexander Maxwall,—Johnne Hutoun, notary public, subscribing for the cautioner, "becaus I could nocht write myselff."

Band for Lindsay of Barcloy and others.

Registration, by same procurator, of a band of caution by Johnne M^c^cairtnay of Lathis for James Lindsay of Barcloy, James Maxwall of Auchinfad, Williame Maxwall, brother natural of Johnne Maxwall of Buttilmanis, James Murray of Arnealmery, in 300 merks each, that they will not harm the same Harbart Maxwell. Cornelius Tennent and Johnne Redik of Barhorow are procurators for registering the band; which is subscribed at Ur, 26th December, before Johnne Hutoun, notary public, George Cairnis, wright, Johnne M^c^Naith, tailor.

Registration, by same procurator, of a band of caution by William Redik

Band for John Maxwell in Logan and others.

of Dalbaty for Johnne Maxwall in Logane in £500, and for Alexander Maxwall and Hew Maxwall, his sons, in 300 merks each, that they will not harm the same Harbart Maxwall. The same Cornelius Tennent and Johnne Redik of Barhorrow are procurators for the registration of the band; which is subscribed at Ur, 26th December, before Johnne Maxwall of Auchinfad, James Lindsay of Barcloy, George Cairnis in Kip, James Maxwall, son to the said Johnne, Archibald M^{c}Kgill, "my servant," Johnne Hutoun, notary public. Acta 1587–89. Page 285.

Band for David Maxwell in Kelton and others.

Registration, by Mr Archibald King, advocate, as procurator for the sureties, of a band of caution by James Lindsay of Barcloy and James Maxwall of Auchinfad for David Maxwall in Keltoun, Robert Maxwall, his son, James Blak in Keltoun, Alexander Gordoun in Carlingwork, Johnne Hutoun, Mathew Carruthiris, Harbart Patersoun in Calsayend, Gibert Mure, Johnne Ewart in Cors, Johnne M^{c}kilra in Keltoun, in 300 merks each, that they will not harm the same Harbart Maxwell. Procurators for registration as above; and band subscribed as above, before Alexander Maxwall of Inglistoun, Johnne Maxwall of Logane, James Maxwall, his son, Johnne Broun and Johnne Lewouris in Balgredane, Symon Johnnstoun in Newsheillis, and Johnne Hutoun, notary public.

Edinburgh, 31st Dec. Act against armed convocations in Edinburgh.

In pursuance of the King's instructions, left when he went abroad and since renewed by letters, it is ordered that all parties standing at feud shall give and take assurance, "for the bettir keping of gude reule and quietnes quhill his Hienes returning in this realme and fyftene dayis thaireftir; albeit it be nawise meanit that the saidis assuiranceis sall extend to personis standing at the horne for odious crymes committit befoir his Majesteis depairtur." Moreover, the Lords of Council, "alwayes myndit to eshew all occasionis that may bring nowmeris of men armeit in convocatioun to this burgh of Edinburgh during his Majesteis absence," command the Justice Clerk's depute "that na letters be grantit of new for calling of pairteis to undirly the law at particulair dyetis that hes found souirtie and obtenit thameselffis relaxt fra the horne sen his Hienes depairting, or salbe relaxt in tyme cuming quhill his Majesteis returning, without expres command and warrand of his Hienes Prevey Counsaill sittand, and that the said depute signifie unto thair Lordshippis ay fyftene dayis of befoir quhat particulair dyetis ar sett, to the effect that thair Lordshippis, upoun knaulege of the qualiteis of the crymes and pairteis, may tak tymous ordour for eshewing of all sic inordinat convocationis, tending to the making of trouble and unquietnes." Page 286.

Edinburgh, 7th Jan. 1589–90. Charge to Wauchope of Niddry and others.

Charge to Wauchop of Nudry, and all other keepers of the places and fortalices of Rossyth and Nudry, to deliver the same to the officer executing these letters, within six hours after charge, under pain of treason,—the said officer to "fense" the goods and rents belonging to the said Wauchop, which are ordered to remain under arrest at the instance

Acta 1587–89. of the King's Treasurer, "ay and quhill he be tryit foule or clene of sic crymes quhairof he is dilaitit."

Caution for James Stewart and others.

Registration, by Mr James Donnaldsoun, advocate, as procurator for the surety, of a band of caution by Johnne, Lord Innermeith, for James Stewart, his brother, in 1000 merks, and for Williame Duncane in Perkland, Williame Petcarne in Kirktoun-mylne of Innerkelour, and Johnne Ramsay in Incheok, in 500 merks each, that Johnne Wode of Incheok, Henry Rankene in Myresyde, Cristeane Durvard, relict of Johnne Butchart in Annatstoun, George Hanislo in Hanlistoun, tenants of Patrik Wode of Bonnytoun, shall be harmless of the said persons.

Page 287. Subscribed at the Reidcastell, 20th December, before James Stewart, Robert Stewart, "my brethir," and Williame Duncane.

Caution for Lord Innermeath.

Registration, by the same procurator, of a band by which David Gardin of Leyis becomes surety in £1000 for Johnne, Lord Innermeyth, that he will not harm the said tenants of Patrik Wode of Bonnytoun. Subscribed at Leyis, 24th December, before Robert Stewart, brother of the said "noble lord," Alexander Gardyne, "my sone," and Williame Duncane in Perkland, servants to the said Lord.

Edinburgh, 14th Jan.

Sederunt—Lennox; Hammiltoun; Lindsay; Dingwall; Thesaurarius; Computorum Rotulator; Murdocairny; Clericus Registri; Coldenknowis; Menmure; Pettinweyme; Halyairdis; Culluthy; Cancellarius Rossensis; Magister Petrus Young.

James Gilmour and others against David Murray.

Suit by James Gilmure, Richard Balcanquell, and Robert Myllair, in Auchtirmuchtie, against David Murray, one of the King's master-stablers. —They complain that, for their alleged convocation in arms and mutilation of the defender in 1588, they are wrongfully denounced rebels. They had never been personally charged, nor had any copy of the letters of charge been delivered to them, nor other intimation made to them; "quhairthrow thair not-comperance procedit not upoun ony contempt or wilfull dissobedience, bot onlie upoun misknaulege." Being now ready to appear and answer, and having found caution to that effect, they plead

Page 288. that the letters against them should be suspended *simpliciter*.—The pursuers appearing personally, and the defender by James Bowar, his procurator, the Lords remit the matter to the Lords of Council and Session.

Hans Wood and others against Duncan Leslie and others.

Complaint by Hanis Wode in the Haltoun of Fintrayis, Alexander Smyth there, and Johnne Davidsoun there, as follows:—Duncane Leslie of Pitcapill, Johnne Erskin, apparent of Balhagartie, George Leslie of Keinellis, Mr Robert Leslie of Auldcraig, James Leslie in Ardune, Williame Leslie in Inuerroury, Mr Williame Chalmer, portioner of Wester Disblair, with accomplices, to the number of twenty-seven persons, "all bodin in feir of weir," had come upon 1st and 10th November last to the dwelling houses of the complainers, "and violentlie brak up the durris thairof," and have taken violent possession of the said houses, intending to appropriate

the same, with the lands attached,—"movit heirunto in respect of his Majesteis absence furth of this realme."—The complainers appearing by Johnne Leslie of Auquhorteis, their procurator, and the said Duncane Leslie, Mr Robert Leslie, and Mr Williame Chalmer, appearing personally, with Alexander King, their prolocutor, who also appears as procurator for the other defenders, the Lords remit the matter to the ordinary judges. Acta 1587-89.

Suspension of horning against Mauchan of Polton.

Complaint of James Mauchane of Poltoun that Thomas Ottirburne of Reidhall, collector of the first term's payment of the barons' tax of £40,000 within the shire of Edinburgh principal, has put him to the horn for alleged non-payment of 40s. for his share of the first term's payment for his forty shilling land of Poltoun, although, shortly after the charge to pay, the complainer had "maid pament *bona fide* of the said soume" to Johnne Symsoun, messenger, executioner of the letters of charge, whose acquittance the complainer produces.—The pursuer appearing by Mr Robert Young, his procurator, but the said Thomas and Johnne not appearing, the Lords suspend the said letters. Page 289.

Edinburgh, 17th Jan. Caution for Stirling of Keir and his brother.

Caution by Johnne Grahame of Knokdoleane for Archibald Stirling of Keir in £1000, and for James Stirling of Kippandavie, his brother, in 1000 merks, that Williame Sinclair of Gallowmoir, and Robert Bankis and Johnne Bankis, tenants of the lands of Auchinbie, shall be harmless of them.

Caution for Stephen Laing.

Caution in £200 by Henry Bonar of Lumquhatismylne for Stevin Laing in Auchtirmuchtie, that he shall answer before the Council upon 1st February next to a complaint by David Murray, one of the King's master-stablers.

Edinburgh, 21st Jan.

Sederunt—Dux; Mortoun; Lindsay; Dingwell; Thesaurarius; Clericus Registri; Computorum Rotulator; Coldenknowis; Menmure; Halyairdis; Culluthy; Innernauchtie; Magister Petrus Young.

Protest in favour of Andrew Gray of Lour.

Henry Wardlaw, as procurator for Andro Gray of Lour, gives in a copy of the King's letters raised by Thomas Dischingtoun of Ardrois, charging the said Andro to produce before the Council the King's other letters raised at his instance, commanding the said Thomas to render his place of Ardrois to the officer executing the said letters, and also to enter in ward within the Castle of , and to remain there till relaxed from the horn, under pain of treason. The said Thomas having been duly summoned but not now appearing, the procurator protests that the said letters shall be put to farther execution against the said Thomas; which protest the Council admit, and direct accordingly.

Edinburgh, 26th Jan. Caution for Mr Hector Munro of Foulis.

Registration, by Mr Umphra Bleinsheillis, advocate, as procurator for the parties, of a band of caution in 1000 merks by Gilbert Gray of Fordell and Williame Baillie of Duneane for Mr Hector Monro of Foullis, that he will not harm David Monro, portioner of Swordell. Subscribed at the Channonrie of Ros, 19th January, before Hucheoun Monro of Assin, Page 290.

Acta 1587–89. Williame Monro, his son, Williame Thomesoun, burgess of Roismerky, James M°Donald Roy in Litle Creich, James Neilsoun, and Adam Dunbar, notary public.

Caution by Hew Carmichael, apparent of that Ilk, for Johnne Kirkpatrik in Dressetland in £1000, and for Roger Kirkpatrik, his brother, in £300, that they will not harm Thomas Kirkpatrik of Closburne. Edinburgh, 27th Jan. Caution for John and Roger Kirkpatrick.

Caution in £100 by Alexander Bonar of Balgirsho for Barnard Stirk in Auchtirmuchtie, that he shall answer before the Council on the 17th February next to a complaint by David Murray. Edinburgh, 28th Jan. Caution for Bernard Stirk.

Caution by Johnne Smyth and Allane Bruntoun, burgesses of Edinburgh, for Williame Watt in Eist Barnis, Johnne Maislatt, Alexander Gullane, David Thomesoun, Patrik Brysoun Williame Wolff, James Skuggill, George Smyth, Thomas Hume, William Purves, and Johnne Purves, there, David Liddell in West Barnis, Johnne Hopper, Williame Page 291. Kellie, David Nymmo, Williame Liddell, James Young, Alexander Lauder, Williame Hammiltoun, Andro Manderstoun, Williame Boncle, Marione Story, Alexander Corskie, and Johnne Hay, there, Williame Nesbitt in Newtounleis, Thomas Achesoun and Johnne Achesoun, there, Nicoll Bog in Lochend, Williame Kellie in Rig and Fluris, and Johnne Douglas in Oswaldene, that they shall pay their parts of the late taxation of £100,000 for their lands of Eist and West Barnis, with mills and the King's other property occupied by them within the lordship of Dunbar, in case it shall be found that they ought,—Andro Manderstoun, bailie of Dunbar, and Williame Wolff, becoming cautioners in relief. John Andro, Clerk of Council, subscribes for the latter. Caution for the tenants of East and West Barns.

Complaint of Robert Sinclair, writer to the Privy Seal, as follows :— Margaret Hay, daughter of the late Johnne Hay of Gemmestoun, and Robert Fleming, her spouse, alleging that David Sinclair of Blans was put to the horn for not paying her divers sums of money, and for not observing certain articles contained in a contract between Williame, Lord Hay of Yester, as principal, and the said David and Williame Hay of Barra, as sureties for him, on the one part, and the said Margaret, on the other, and that the said David remained at the horn, have obtained letters, by deliverance of the Privy Council, charging the complainer and the keepers of the place of Blans to deliver the same to Johnne Wilky, messenger, executioner of the said letters, under pain of treason. This is unjust, inasmuch as the liferent of all lands belonging to the said David now pertains to the complainer, by virtue of a gift made to him, his heirs and assignees, by the King, in consequence of the fact that the said David, having been denounced rebel, had remained unrelaxed beyond a year and a day. By this gift the complainer has "gude and undoubted rycht" to the place of Blans during the said David's lifetime, and he has peaceably occupied the same since the date of the gift, viz., 1st August last. On this ground, he pleads that the letters of horning against him Robert Sinclair against Margaret Hay and her husband.

should be suspended, having at the same time, however, found caution to deliver the said place of Blans, in case, after trial taken, it shall be found that he ought (*ante*, p. 444).—The complainer appearing personally, and the said Margaret being also present, with Mr Johnne Arthour, her prolocutor, who appears also as procurator for Robert, the Lords remit the matter to the Lords of Council and Session, requiring them to proceed therein summarily. Acta 1587-89. Page 292.

Edinburgh, 3rd Feb. Caution for Lady Duffus.

Caution in £1000 by Patrik Dunbar of Boghoill for Jonnett Grant, Lady Duffus, that she will not harm Thomas Dempstair of Murehous.

Edinburgh, 4th Feb.

Sederunt—Lennox; Angus; Bothuill; Lindsay; Magister de Gray; Episcopus Orcadensis; Murdocairny; Blantyre; Ormestoun; Clericus Registri; Pettinweyme; Magister Petrus Young.

Act granting the sole privilege of paper-making within the realm for nine years to a certain German and his partners.

"The Lordis of Secreit Counsaill considering how that, be the exercise of the arte of making of paper of all sortis within this realme, not onlie sall oure Soverane Lordis legis be weill and sufficientlie furneist of paper upoun ressonable pryceis, far inferiour to the priceis that the samin now gevis, bot the youth and uthiris his Hienes legis, being tranyt up and exerceit in the said arte, sall at last cum to that perfectioun and knaulege that thay salbe hable to exerce the samin be thameselffis, to the grite honnour of his Majestie, proffeit and commoditie of all esteatis of personis within this realme: quhairfoir the saidis Lordis hes gevin and grantit, and be thir presentis gevis and grantis, licence and previlege to Petir Graet Heare, Almane, and his partinaris quhatsumevir, allanerlie, and nane uthiris, to use and exerce the said arte of making of paper of all sortis within quhatsumevir parte of this realme in tyme cuming at his plesure during the space of nyne yeiris nixt to cum eftir the date heirof; during the quhilk space the saidis Lordis hes inhibite and dischargeit, and be thir presentis inhibitis and dischargeis, all and sindrie his Majesteis legis and utheris strangearis quhatsumevir off all using or exerceing of the said arte within ony parte of this realme, undir the pane of confiscatioun of all the paper to be maid be thame, the ane half to his Majestie and the uthir halff to the said Petir and his partinaris awne use. And, to the effect he and thay may the mair freelie use and exerce the said arte during the said space, the saidis Lordis hes takin, and be thir presentis takis, the said Petir and his saidis partinaris quhatsumevir undir his Majesteis speciall protectioun, mantenance, defens and suir saulfgaird, and, attoure, hes exemit and be thir presentis exemis him and thame fra all watcheing, warding, payment of taxt, stent or contributioun, or beiring or sustening of ony uther portable chargeis within quhatsumevir parte of this realme, to burgh or land, during the said space, dischargeing, be thir same presentis, all and sindrie sheriffis, stewartis, provestis and baillies of burrowis, and utheris his Hienes officiaris, legis and subjectis quhatsumevir, off all chargeing or imposing of ony taxt or stent upoun the said Petir or his saidis partinaris,

Acta 1587–89. warding, troubling or poinding of thame for the samin, during the space abonementionat, and of thair officeis in that parte. Forder, the saidis Lordis decernis and declairis thir presentis to be als sufficient as giff the same wer subscrivit be his Majestie and past the Grite Seill with all solempniteis requisite: providing alwayes that the said Petir and his saidis pairtinaris entir to werk betuix and the first day of August nixt to cum and that he continew thaireftir during the space foirsaid; quhairin giff he failyie, or abstractis himselff fra wirkeing and useing of the said arte the space of ane yeir togidder during the tyme of this present privilege, then and in that cais the same previlege *ipso facto* to expire and to haif na force, strenth, nor effect at ony tyme thaireftir. And that letters be direct to mak publicatioun of the premissis to all and sindrie his Hienes legis, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme and utheris placeis neidfull; quhairthrow, etc."

Page 293 "The Lordis of Secrete Counsaill being credibillie informeit of the cruell and mischevous procedingis of the wicked Clan Gregour, sa lang continewing in blude, slauchtaris, heirshippis, manifest reiffis and stouthis, committit upoun his Hienes peceable and gude subjectis inhabiting the cuntreyis ewest the Brayis of the Hielandis, thir mony yeiris bigane, bot specialie how, eftir the cruell murthour of umquhile Johnne Drummond of Drummanerynoch, his Majesteis propir tennent and ane of his fosteris of Glenartnay, committit upoun the day of last bipast be certane of the said Clan, be the counsale and determinatioun of the haill, avowand to defend the authouris thairof quhaevir wald persew for revenge of the same, quhen the said Johnne wes occupiit in seiking of vennysoun to his Hienes at command of Patrik, Lord Drummond, stewart of Stratharne and principall forrester of Glenartnay, the Quene his Majesteis darrest spous being then schortlie louked for to arryve in this realme; like as, eftir the murthour committit, the authouris thairof cuttit of the said umquhile Johnne Drummondis heid, and caryed the same to the Laird M^cGregour; quha and the haill surename of M^ckgregour purposlie convenit, upoun the nixt Sonday thaireftir, at the kirk of Buchquhidder, quhair thay causit the said umquhile Johnis heid be presentit to thame, and thair, avowing the said murthour to haif bene committit be thair commoun counsale and determinatioun, layed thair handis upoun the pow, and, in eithnik and barbarous maner, sweir to defend the authouris of the said murthour, in maist proude contempt of oure Soverane Lord and his authoritie, and in evill example to utheris wicked lymmaris to do the like, giff this salbe sufferit to remane unpunist. Thairfoir ordanis commissionis to be maid and exped undir our Soverane Lordis signet in dew forme, makand, constitutand and ordinand George, Erll of Huntley, Lord Gordoun and Badyenauch, Coline, Erll of Ergyle, Lord Campbell and Lorne, Johnne, Erll of Athoill, Lord of Balvany, Johnne, Erll of Montrois, Lord Grahame, Patrik, Lord Drummond, James, Commendatair of Incheaffray, Archibald Campbell of Lochynnell, Duncane Campbell of Glenurquhy, Johnne Campbell of Cadell, James Campbell of Ardkinglas,

Commission to the Earls of Huntly, Argyle, Atholl, and Montrose, Lord Drummond, and others, for pursuit of the Clan Gregor.

Lauchlane M^c^intoshe of Dunnauchtane, Schir Johnne Murray of Tullibardin, knycht, George Buchannane of that Ilk, and Andro M^c^Farlane of Arroquhar, oure soverane Lordis justice [? justices] in that pairt, to the effect undirwrittin,—gevand, grantand and committand to thame conjunctlie and severalie full power, speciall command and authoritie to pas, serche, seik, tak and apprehend Allaster M^c^Gregour of Glenstra, Johnne Dow M^c^Gregour, his bruthir, Dulechay M^c^kgregour, Duncane M^c^Gregour, his bruthir, Johnne Dow M^c^Neill M^c^Farlane, Ewne M^c^Farlane, Patrik Our M^c^Gregour, Duncane Glen M^c^Gregour, Alexander Pindrach M^c^Gregour, Allaster Galt M^c^Gregour, Patrik Duncanesoun in Oviryaldie, Gregour, Duncane, Donald Dow, Finla and Duncane, his sones, Patrik Johnnstoun M^c^Gregour in Dalmerkland, Patrik Ammonach M^c^Gregour, his bruthir, Johnne, Duncane, and Gregour M^c^Patrikis, his sones, Johnne Johnnstoun M^c^Gregour in Ballenacoule, Duncane M^c^Allaster in Dundurne, Johnne M^c^Allaster, his bruthir thair, Johnne M^c^Allaster, his bruthir in Ballenacoull, Gregour M^c^ilchallum V^c^Gregour in Comre, Challum M^c^Gregour, his bruthir in Blarniroya, Duncane Staach M^c^Gregour in Morell, Gregour Cam M^c^Gregour in Dounyra, Gregour M^c^Connachy Mair in Finglen, Williame M^c^Eane V^c^Donald in Cleour, Williame Our M^c^Gregour in Tullichattill, Allaster M^c^Connachy Mair in Glentarcan, Allaster M^c^Neill in Tullibenachair, Allaster M^c^Patrik Beg in Carraglen, Thomas M^c^Patrik, his bruthir thair, Johnne Dow M^c^Allaster in Callendar, Johnne Dow M^c^Connoquhy V^c^Allaster in Rannoche, Donald Dow, his bruthir, Archibald Dow, his bruthir, Gregour M^c^Ean V^c^Connoquhy, Neill M^c^Gregour, Allaster M^c^Gregour, Dougall Thaich M^c^Gregour, Duncane Dow, his bruthir, Duncane Our M^c^Gregour in Duncrosk, Dougall, his sone, Gregour Beg M^c^Gregour, Gregour M^c^Ean Roy thair, Dougall M^c^Ean Duy in Candknok Johnne M^c^Connoquhy V^c^Ean Duy in Rannoch, Duncane M^c^Allaster in Fernay, Johnne Dow, his bruthir, Allaster, his bruthir, Neill M^c^Conochy, Wiliame M^c^Neill, Malcolme, his bruthir, Neill M^c^Neill, his bruther, Johnne Bane M^c^Gregour in Fernay, Allaster M^c^Gregour Clerach thair, Duncane M^c^Ewin in Creilgarrow, Gregour M^c^Hucheoun in Couldar, his sone Duncane M^c^Ean Cham in Tullichmullen, Gregour M^c^Conochy in Roro Johnne Dow, his bruthir, Allaster M^c^Ewne thair, Duncane M^c^Conochy Clerach thair, Gregour M^c^Ilchallum in Glenlyoun, Duncane Neill and Williame, his sones, Johnne M^c^kgregour Jamesoun in Apnidill, Williame and Dougall, his brethir, Gregour M^c^ean Moyle in Bofrak, Gregour M^c^Neill V^c^Invallych in Ardewnaig, Ewin M^c^Ean Vallich thair, Johnne Roy M^c^Ean Vallich thair, Duncane M^c^Ean Vallich in Comry, Donald, his bruthir thair, Allaster Birrach M^c^Ewin Mair, Malcolme M^c^Dougall Chere in Baquhidder, Dougall M^c^Coule Chere in Glengyle, Duncane M^c^Patrik V^c^Coule Chere, Johnne, his bruthir, Patrik and Gregour, his brethir, Johnne M^c^Gregour V^c^Coule Chere, Duncane Bane M^c^Rob V^c^Carlich in Stakeneray, Johnne M^c^Rob V^c^Gregour in Rawchois, Gregour M^c^Rob V^c^Gregour in Comchallum, M^c^Challum Mair M^c^Gregour in Knokhelith, Challum Dow, his bruthir, Robert Roy, his bruthir in Commir, Johnne Dow M^c^Rob, thair bruthir,

Acta 1587–89

Acta 1587–89. Allaster M°Coule V°Gregour in Dishoir, Malcolme M°Gregour thair, Duncane M°Gregour, Johnne M°Gregour in Drumnauchtie, Finla Keir M°Gregour in Colcarrach, Allaster M°Gregour in Staphillane, Johnne Dow M°Ilchallum V°Gregour, Patrik M°Gregour V°Ilchallum, Duncane Clerach M°Gregour, Gregour Cragnistach M°Gregour, Donald Our
Page 294. M°Inclerach, Malcolme Glas M°Gregour M°Kinnadie, Dougall Denesoun M°Gregour, Donald M°Coule V°Indeane, Malcolme M°Gregour V°Neill in Rannoch, Dougall, his bruther, Johnne Beg Clerach, Duncane M°Gregour in Tullichew, Johnne Dow M°Williame V°Ilchallum, Duncane V°Gregour V°Williame, Challum V°Gregour in Rannoch, Duncane M°Williame, his bruthir, Challum M°Neill V°Ewin V°Gregour, Malcolme M°Gregour V°Williame, Allaster M°Neis in Rannoch, Gregour M°Neill V°Gregour Candochaach, Johnne, his sone, Ardchalyie Ewin M°Gregour, his bruthir, Allaster M°Gregour, his bruthir, Allaster M°Rob in Strathyre, , his sones, Walter M°Capie in Litill Gaithis, Robert M°Alpene, his sone, Murdo M°Alpie, his bruthir, Johnne Bane, Malcolme Glashe in Rannoch, Gregour Ger, his bruthir, Johnne M°Neill, his bruthir, Gregour Bane, thair bruthir-sone, Patrik M°Gregour in Cadderlie, Ewne Eronoch M°Gregour, Patrik M°Inroy M°Gregour in Dundurne, Neill M°Donachie V°Neill, Gregour, his bruthir, Gregour M°Gregour *alias* Colbanoch, Malcolme M°Ean V°Connochy, sone to umquhile Johnne Duncanesoun in Meltie, Duncane, his bruthir, Johnne Dow, his bruthir, Patrik M°Gregour in Callendair, and all utheris of the said Clan Gregour or thair assistaris, culpable of the said odious murthour, or of thift, ressett of thift, heirshipis and soirning, quhairevir thay may be apprehendit, to putt and hald thame in warde, and to the knawlege of ane assise or assises for the saidis crymes, and, as thay be foundin culpable or innocent, to ministrat justice upoun thame, conforme to the lawis and consuetude of this realme; and, to that effect, courte or courtis of justiciarie in quhatsumevir pairtis or placeis to sett, begin, afferme, hald and continew; suitis to mak be callit; absentis to amerchiat; trespassouris to punishe; deputis undir thame, with clarkis, serjandis, dempstaris, and all uthiris officiaris and memberis of courte neidfull, to mak, creat, substitute and ordane,—for quhilkis thai salbe haldin to ansuer; assissis, ane or ma, of the best and worthiest personis duelland within Stratharne, Menteith, Athoill, Lennox, and foure halffis aboute, leist suspect and that best knawis the veritie in the said mater, ilk persone undir the pane of fourty pundis, to summond, warne, cheis and caus be sworne; the escheitis of the personis convict and to be justifeit to the deid to intromit with, the ane half to his Hienes thesaurar or thesaurar depute to inbring and deliver, and the uther halff of the same to the takaris and apprehendaris awne use for thair labouris to apply. And, giff ony of the personis abonewrittin or utheris assisting thame refuissis to be takin or fleis to strenthis and houssis, to persew and assege thame be fyre and swerd, rais fyre and use all force and weirlike ingyne for recoverie thairof; and, gif ony of thame salbe hurte, slane or mutilat, or ony distructioun of houssis and guidis to be maid, decerning and declairing that the same

salbe imputt for na cryme nor offens to the saidis Commissionaris or personis assisting thame in the executioun of the said commissioun, nor thay nor nane of thame salbe callit nor accusit thairfoir criminalie nor civilie be ony maner of way in tyme cuming, dischargeing and exonering thame of the same for evir be thir presentis. And that the said commissioun be extendit in the best forme, with all claussis neidfull, and for the space of three yeiris eftir the date of the same to indure."[1] Acta 1587–89.

Edinburgh, 5th Feb. Caution for Dishington of Ardross.

Caution in 500 merks by James Sandielandis, burgess of Edinburgh, for Thomas Dischingtoun of Ardrois, that he shall render his place of Ardrois to Sir Robert Melvill of Murdocairny, treasurer-depute, by 16th February instant, to be kept by him for satisfaction of the letters executed against him by Andro Gray of Lour for delivery of the said house, till the said Thomas shall be relaxed from the process of horn used against him by the said Andro,—Alexander Young, "ishear" depute of the King's chamber, becoming cautioner in relief. Page 303. (Acta 1589–91.)

Edinburgh, 6th Feb. Caution for Farquhar Munro.

Caution in 500 merks by Johnne Campbell of Calder for Ferquhair Monro, spouse of Katherene M^cCulloch, that he will not harm Alexander Morisoun, son and heir of the late Malcolme Morisoun in Litill Kindeis, or Williame Morisoun, his father-brother,—John Monro, notary public, subscribing for the said Ferquhar, who cannot write. Page 294.

Edinburgh, 10th Feb. Caution for Mungo Gray.

Caution in £500 by Mungo Gray, burgess of Rothesay, as principal, and Andro Gray, portioner of Balfando, as surety for him, that he will not harm Coline Spens, burgess of Rothesay,—James Gray, brother of the Master of Gray, and the said Mungo, becoming cautioners in relief.

[1] Important as a document in the history of the unfortunate Clan MacGregor, this entry possesses also a peculiar literary interest. Sir Walter Scott refers to it in his Introduction to *Rob Roy;* and he not only refers to it again in the Introduction to his *Legend of Montrose*, but actually quotes it there in part (not from a very perfect transcript), on account of its intimate bearing on the story of that Novel. The Allan M'Aulay of that novel, the moody Highland seer, and remorseless enemy of the Children of the Mist, is, though by a palpable and acknowledged anachronism, the imagined nephew of the Drummond of Drummond-Ernoch who was murdered by the MacGregors in 1589.

Reg. Sec. Con. Acta 1589–91. Page 295. (The paging continued from last vol. of Register.)

Sederunt—Angus; Lindsay; Dingwell; Blantyre; Barnbarrauch, Clericus Registri; Menmure; Magister Petrus Young. Edinburgh, 11th Feb.

Commission to the Earl of Montrose for apprehending and bringing to trial Thomas Drummond, Tutor of Colquhalzie, and others, for a cruel outrage on Andrew Lawson.

Information has been received that Johnne Drummond, *alias* Denmark, dwelling beside the place of Coquhalzie, David M^c^Fadyeane in Drummaquhence, Finla Drummond and Malcolme Gorme, servitors to Thomas Drummond, tutor of Coquhalzie, Andro Guild in Findaly, Johnne Guild in the Pett, Johnne Guild, his son, Andro M^c^Leis, Andro Gairdner at the Mylne of Straitmyln, Williame Cuddy at the Wand of Muthill, Andro Miller in Middill Drummaquhence, with the said Tutor of Coquhalzie present with them and instigating them, on account of deadly hatred conceived against Andro Lawsoun in Garwok, had, upon 1st February inst., "umbesett the hie way and passage" of the said Andro while he was quietly engaged in his business, and, having seized him there, had carried him away with them to the said Tutor's dwelling place of the tower of Coquhailzie, where they imprisoned him in the stocks "in maist strait firmance and captivitie." There is information further that the said persons, on 2nd February inst., "undir silence and cloude of nycht," had taken the said Andro out of the stocks in the said tower, and had carried him, bound hand and foot, to the lands of Coquhalzie, "quhair thay, with ane turkes and knyffe, maist shamefullie, cruellie and barbarouslie, in eithnik maner, dememberit the said Andro of his neis, and thaireftir, as unmercifull tyrrantis, but pitie or compassioun, with the said turkes drew furth sex teith of his heid; the like quhairof wes nevir hard."—The Lords order a commission to go forth under the King's signet, empowering Johnne, Earl of Montrois, justice in that part, to apprehend the said persons wherever they may be found, and bring them to trial before "ane or ma" assizes, expressly summoned for the purpose, and to consist of "the best and worthiest personis dwelland within Stratharne, Menteith, Athoill, and foure halffis aboute, leist suspect and that best knawis the veritie in the said mater,"—each person summoned to attend under a penalty of £40. There is to be indemnity for all proceedings in the execution of this commission.

Band for Campbell of Kilmorie and his son.

Page 296.

Registration, by Mr Williame Oliphant, advocate, as procurator for the surety, of a band of caution by Sir James Campbell of Ardkinglas for Donald Campbell of Kilmorie in £1000, and for Dougall Campbell, his son, in 500 merks, that they will not harm James Lawmont of Inchirin, Archibald M^c^Allaster, apparent of Tarbett, Lauchlane M^c^Andro, Allaster M^c^Camis, his brother, Johnne M^c^Corll of Mondrame, their tenants, or servants. Subscribed at Dunnone 9th February, before Mr Neill

Campbell, Bishop of Ergyle, Johnne Campbell, fiar of Ardkinglas, and James Kincaid, notary. Acta 1589-91.

Caution for Archibald Og MacPherson.

Registration, by Mr Williame Oliphant, advocate, as procurator for the surety, of a band of caution by the said Sir James Campbell in £500 for Archibald Og M°Pheirsoun, that he will not harm Lauchlane M°Andie, *alias* M°Kamis, or Johnne Lawmont of the Row. Subscribed and witnessed as above.

Edinburgh, 12th Feb. Caution for Harry Brown.

Caution in £1000 by Patrick Broun of Colstoun for Hary Broun, his brother, that he will not harm Williame Auchinlek in Lastoun, tenant to George, Earl Mairshael. Page 297.

Edinburgh, 13th Feb.

Sederunt—Angus; Lindsay; Dingwell; Coldenknowis; Blantyre; Clericus Registri; Menmure.

Suspension of horning against Stephen Laing.

Complaint by Stevin Laing in Auchtirmuchtie, as follows:—For his non-appearance to answer a charge against him and other inhabitants of Auchtirmuchtie by David Murray, one of the King's master-stablers, "tuicheing thair allegeit convocating of thameselffis in armes, and persute be way of deid of the said David," he had been wrongfully put to the horn, never having been charged personally, or by any intimation, or delivery of letters, Having found caution for his appearance when required, he pleads now that the said letters should be suspended.—The complainer appearing personally, but the said David failing to appear, the Lords do suspend the letters.

Edinburgh, 16th Feb. Caution for William Barclay and others.

Registration, by Mr James Donnaldsoun, advocate, as procurator for the surety, of a band of caution by Patrik Barclay of Towy for Williame Barclay of Mylseggatt, Johnne Barclay, his brother, and Williame Barclay of Pitdoulsy, that George Meldrum of Fyvie, Mr Williame Meldrum of Moncofer, Andro Meldrum of Drumbrek, George Meldrum, younger of Drumbrek, Andro Meldrum, his brother, Johnne Meldrum, his brother, Williame Meldrum of Baddinscot, George Meldrum of Logyauldtoun, Johnne Meldrum of Tullicarne, Patrik Meldrum of Auquhorteis, Johnne Meldrum of , Robert Meldrum of Cowhill, George Meldrum in Pettie, Alexander Meldrum, his brother, Andro Meldrum, his brother, Alexander Meldrum of Bogheidis, Johnne Meldrum of , Johnne Meldrum at the Mylne of Pettie, Thomas Meldrum of Eden, Andro Meldrum, servant to the Laird of Fyvie, and their tenants and servants, shall be harmless of the said persons, under the pains contained in the King's letters of lawburrows raised thereanent by the said George Meldrum of Fyvie and the other persons abovewritten. Subscribed at Turreff, 12th February, before Alexander Hay and Andro Barclay, servitors to the said Patrik Barclay, and Williame Ogstoun and Thomas Bruce, notaries public. Page 298.

Registration, by the said Mr James Donnaldsoun, as procurator for the

Acta 1589–91. surety, of a band of caution in £2000 by Alexander Hay of Delgatty for Patrik Barclay of Towy, that he will not injure the said George Meldrum of Fyvie or any of the other persons abovenamed. Subscribed and witnessed as above. Band for Barclay of Towie.

Page 299. Caution in 1000 merks by Thomas Reidpeth, fiar of that Ilk, as principal, and Sir Johnne Ker of Hirsell, as surety for him, and by the said persons as sureties for Williame Redpeth of that Ilk, and Williame Reidpeth, parson of Allem (Ellem), in £500 each, that Johnne Strauchane and Mathew Belsheis, messengers, Johnne Clerk in Wolfferland and Johnne Thomesoun in Grueldykis, shall be harmless of the said three Redpeths. Caution for Redpath of that Ilk and others.

Sederunt—Angus; Mortoun; Lindsay; Setoun; Dingwell; Thesaurarius; Culrois; Blantyre; Clericus Registri; Ormestoun; Halyairdis; Elimosinarius. Edinburgh, 18th Feb.

"Anent the complaint maid to the Lordis of Secreit Counsaill be Andro Hairt, burges of Edinburgh, and Johnne Nortoun, Englishman, makand mentioun that quhair, thay considdering quhat hurte the legis of this realme sustenit throw the scairsitie of buikis and volumes of all sortis, and to quhat exorbitant priceis the buikis and small volumis ar rissin to, quhilkis wer brocht hame frome Lundone and uthiris pairtis of England, and sauld in this realme at the thrid advantage, thay, upoun a eirnist zeale to the propagation and increse of vertew and letters within this realme, interprisit twa yeiris syne or thairby the hamebringing of volumis and buikis furth of Almanie and Germanie, fra the quhilkis pairtis the maist parte of the best volumis in England ar brocht, and in this tread have sa behavit thameselffis that this toun is furneist with bettir buikis and volumis nor it wes at ony tyme heirtofoir, and the same volumis sauld be thame in this cuntrey to the haill legis als gude-chaip as thay ar to be sauld in Lundone or ony uther part of England, to the grite ease and commoditie of all esteatis of personis within this realme; in consideratioun of the quhilk commoun benefite thay luiked to haif enjoyit the libertie and previlegeis grantit in all esteatis and kingdomes to personis usaris of this trade,—to witt, that thair haill buikis and volumis suld be custum free: nevirtheles, thay ar dalie troublit be the custumaris for payment of grite custumes for thair saidis buikis and volumis, quhilk is ane new impost and exactioun, at na tyme heirtofoir cravit within this realme, and nawise permittit or sufferrit in ony uther cuntrey; and thay doubt nocht bot the saidis Lordis will dissallow of sic preparatives and novalteis to be usit aganis thame. And, upoun the like complaint be Thomas Vautrallier, imprentair, he obtenit ane decrete, dischargeing the provest and baillies of this burgh and thair custumair, for thameselffis and remanent commissionaris of burrowis, fra all seiking, asking or craving of ony custumes fra the said Thomas for ony buikis sauld or to be sauld be him, alsweill within this burgh as outwith the same, as the said decrete Complaint of Andro Hart and John Norton, booksellers in Edinburgh.

beiris, like as at mair lenth is contenit in the said complaint. Quhairunto David Seytoun of Parbroth, comptrollair to our Soverane Lord, and Johnne Gourlaw, custumair of Edinburgh, being warnit to answer, and thay compeirand baith persounallie, and the said Andro Hairt compeirand alswa personallie, for himselff and in name of the said Johnne Nortoun, the ressonis and allegationis of baith the saidis pairteis being hard and considderit be the saidis Lordis and thay ryplie advisit thairwith, the Lordis of Secreit Counsaill ordanis the said Johnne Gourlaw, custumair of Edinburgh, and all uthiris custumaris of quhatsumevir uther burrowis and portis of this realme, to desist and ceis fra all asking, craveing or suteing of ony custum fra the saidis complenairis for any buikis or volumis brocht or to be brocht and sauld be thame within this realme in tyme cuming, dischargeing the saidis custumaris thairof and of thair offices in that parte; providing alwayes that the saidis Andro Hairt and Johnne Nortoun present all pakkis, punsionis and barrellis, quhairin the saidis buikis and volumis salbe brocht hame heireftir, to the custumair of that burgh quhair thay sall arryve, befoir the samin be lowsit, brokin up, sauld or disponit upoun, quhairthrow the samin may be sene gif thair be ony uther wairis or mercheandice thairin nor the saidis buikis and volumis, that the custum of the same wairis, gif ony be, may be pait to the saidis custumaris as effeiris,—utherwise thir presentis to be null and of nane avail, force nor effect." Acta 1589-91. Page 300.

Caution for Ogilvy, younger of Pourie-Ogilvy.

Caution by George Symmer of Balyordie for Johnne Ogilvy, apparent of Poury-Ogilvy, that he shall, between this date and 25th April next, pay to Alexander Stewart of Brighous, and Elizabeth Hammiltoun, his spouse, the sum of 300 merks specified in an Act of the Privy Council dated 26th April 1586.

Edinburgh, 20th Feb. Bernard Stirk against David Murray.

Complaint by Barnard Stirk in Auchtirmuchtie, as follows:—For his non-compearance to answer a complaint against him by David Murray, "for allegeit persute, hurteing and wounding of him," he has been put to the horn, although his non-appearance had been solely from "misknaulege of the said charge," by reason of insufficient warning (*cf. ante*, p. 451, 458). Having found caution now for his appearance, he prays for suspension of the said letters. Both parties appearing personally, the Lords remit the matter to the Lords of Council and Session.

Edinburgh, 21st Feb. Caution for James Lauder.

Caution in 500 merks by Sir Williame Lauder of Haltoun for James Lauder, his son, that he will not injure Mr James Borthuik of Lochhill.

Edinburgh, 27th Feb.

Sederunt—Angus; Mortoun; Lindsay; Dingwell; Pluscarden; Culrois; Blantyre; Coldenknowis; Barnbarrauch; Clericus Registri; Menmure; Halyairdis; Culluthy; Cancellarius Rossensis. Page 301.

David Melvill against David

Supplication by David Melvill of Newmylne, as follows:—Having been heritably infeft, and duly confirmed, according to the Acts of Parliament,

Acta 1589–91.

in the lands of Prymlawis, in the shire of Fyffe, held by him immediately of the Abbot and Convent of Sanct Colmisinche, but being informed that the late Johnne Reid of Aikinheid pretended to have been also infeft in the said lands by Sir Robert Carnegy, he had, "for eshewing of the inconvenient that mycht have followit thairupoun," summoned David Reid, now of Aikinheid, son and heir of the said Johnne, before the Lords of Session, and had obtained a reduction of the said John's pretended infeftment *in foro contradictorio*, after long process. Thereafter, he had obtained a decree of removing against the said David Reid. Notwithstanding these decrees, however, the said David Reid has since, "undir pretens of pretendit confirmatioun allegeit gevin be the Paip of the said Robert Carnegy his authouris infeftment of the saidis landis," pursued before the Lords of Session for reduction of the complainer's infeftment. Now, "giff thair be ony sic pretendit confirmatioun allegeit gevin be the Paip of the said Sir Robert Carnegyis infeftment, the samin is fals and fenyeit in the selff"; and, "it being tymouslie foirsene of auld that sic pretendit confirmationis mycht be falslie forgeit and divisit be sindrie pairteis, to the grite hurte and prejudice of the richt and just fewaris of kirklandis," it had been specially provided by Act of Parliament that persons suspected of having false or ante-dated bulls or confirmations of feus should be required to produce them before the Privy Council for inspection and consideration (see Acts of Parl., 1572, c. 12, iii. 75). It is urged, therefore, that the Lords of Council should now give commission to some of their number for trial of the validity of the said pretended confirmation.—The Lords, having considered the petition and the said Act of Parliament, grant commission accordingly to James, Lord Lindsay, Andro, Lord Dingwell, Alexander, Lord Urquhart, Walter, Commendator of Blantyre, David Setoun of Parbroth, Comptroller, Mr Patrik Vans of Bernbarrauch, Mr Johnne Lindsay, parson of Menmure, Alexander Hay of Eister Kennett, Clerk of Register, and Mr Petir Young of Setoun, eleemosinar, or any five of them.

Reid of Aikenhead: commission to inquire into the validity of a Papal confirmation of an infeftment.

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Although, by divers Acts of Parliament, all kinds of English goods imported into this realm ought to pay a certain custom, appertaining to the King as part of his patrimony, and merchants importing such goods ought not to break bulk or dispone of any part of them till they have been first entered, marked and customed by the officer appointed to that effect, yet "the custumes of the saidis guidis hes bene, thir mony yeiris bigane, during the minoritie of his Majestie, neglectit and ouresene, to the grite discommoditie of his Hienes, and that specialie in respect that thair wes na seill appointit to be hungin to the saidis guidis, according to the use and consuetude usit within uthiris nationis,—quhairby the guidis custumat culd nawayes be knawne be the uncustumat guidis, and swa be that confusioun the mercheandis, awnaris, and inbringaris of the saidis Inglis guidis, immediatlie eftir the arryving and cuming thairof within this realme, loissis, brekis bouk, sellis and conceillis the samin, and nevir offerris nor presentis na parte thairof to be custumat conforme to the ordour." For remedy, it is ordained that Johnne Gourlaw, customer of

Regulations for securing that all English cloth imported into Scotland henceforward shall pay the due custom.

Edinburgh, shall cause print a seal and stamp of steel in two halfs "for every burgh and seyporte of this realme quhairat custumaris ar or salbe establissed, the ane halff thairof contening JACOBUS REX with the Kingis armes and croun, and the uthir halff the name of the burgh quhair the same sall remane: quhilk seill and stamp salbe strukin and applyit to leid, and the same leid being swa strukin and prentit with the said stamp salbe hungin to every pece and wob of Inglis claith that heireftir salbe brocht within this realme furth of England be sey or land, befoir the samin be presentit to oppin mercatt, sauld, or onywise disponit upoun." One half of the said seal is to be kept by the customer, and the other half by the clerk of cocquet, "the awnaris of the said claith payand the custum thairof with sic a dewitie for the said seill as wes accustumat to be payit of auld to the custumair and clerk of cocquett equalie betuix thame." Further, "to the effect the Inglis claith presentlie remaning within this realme may be knawne and decernit fra that quhilk heireftir salbe brocht within the same," it is ordained that the customer of every burgh and seaport shall repair to the dwelling houses and booths within the same, and there receive the oaths of the owners of any pieces or webs of English cloth that may be therein as to whether the same has paid custom or not, "and sic as hes not payit custum, that the samin be then instantlie payit, and the said seill in taikin thairof hung thairto, and to all the uthir peceis and wobbis of English claith quhilkis salbe apprehendit within the saidis buithis and houssis quhairof custum hes bene payit of befoir." The owners of such goods in every burgh and port are to require the customers there to repair to their booths and houses to this effect, within 14 days after the publication hereof, under the pain of confiscation of all the pieces and webs that shall be apprehended afterwards wanting the said seal; and importers of English cloth are not in time coming, under the same pain, to sell any of it till the same has been presented to the customer within the custom houses, the custom paid, and the said seal hung, in token thereof, to every particular piece. Acta 1589–91. Page 303.

Caution for Harry Porteous and Samuel Blackburn.

Caution by Williame Cunynghame, burgess of Edinburgh, for Hary Porteous and Samuel Blaikburne, Scotsmen, indwellers of Ruane, that a last of salmon belonging to the said Henry, and 18 dakers of hides and 200 goat skins belonging to the said Samuel, shipped in the "Papingo of Leith," shall be furthcoming to Johnne Dougall, burgess of Edinburgh, Johnne Andirsoun, burgess of Striviling, Williame Broun, Archibald Thomesoun, and Williame Symsoun, indwellers of Anstruthir, and Andro Young and Williame Hammiltoun, according to law.

Edinburgh, 2nd March. Caution for Rolland Paterson.

Caution by Johnne Robertsoun, burgess of Edinburgh, for Rolland Patersoun, burgess there, that 24½ dakers of hides belonging to the said Rolland, now in a boat of the Wemys, "in reddines to be caryed in to the schip callit the Cursour of Kinghorne," shall be furthcoming to the said persons. Page 304.

Caution by Johnne Johnnestoun, burgess of Edinburgh, for David

Acta 1589–91. Johnnestoun, burgess of the same, that 12 dakers of hides and four hides belonging to the said David, also ready to be shipped in the "Cursour of Kinghorne," shall also be furthcoming to the same persons. Caution for David Johnston.

Commission to Sir Robert Melvill of Murdocairny, treasurer depute, Mr Johnne Lindsay, parson of Menmure, Mr David Carnegy of Culluthy, Mr James Elphingstoun of Innernauchtie, Mr Patrik Vans of Bernbarrauch, Alexander Hay of Eister Kennett, Clerk of Register, Mr Johnne Colvill of Strarudie, Walter, Prior of Blantyre, and Mr Petir Young of Seytoun, or any three of them, to sight the "instructionis, commission and answers returnit frome the Esteatis of the Law Cuntreyis of Flanderis to certane letters direct to thame in favouris of Williame, Commendatair of Pettinweyme, and uthiris quhilk servit in the wearis under his regiment in the saidis Law Cuntreyis, as alswa the instructionis, commissioun, replyis and ansueris to be gevin to the foirsaidis instructionis, quhilkis ar to be directit with Mr Johnne Skene, advocate, to the same Esteatis, and to giff thair advise toward the eiking, pairing and reformeing thairof, as thay sall think maist meit and expedient." Edinburgh, 4th March. Commission for sighting certain instructions returned from Flanders, and the answers to be sent to the same.

Caution in £1000 by James, Master of Sinclair, and James Wemys of Caskybareane, for George Allirdes of Skadny, that he will not harm Grissell Gaw, Lady Skadny, her tenants or servants. Caution for George Allardyce of Skadny.

Caution in £1000 by David Kynneir, elder of that Ilk, as principal, and David Lindsay of Pyotstoun, as surety for him, that he will not harm Helene Ramsay, Lady Kynneir, or Johnne Forrett, her tenant of her lands of Dowinbray and Nethir Kaithlok. Caution for David Kinnear of that Ilk.

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Caution by Johnne Grahame of Knokdoleane for James Ker in Sauquhy in 500 merks, and for Johnne Ker, his eldest son, in 300 merks, that they will not harm James Werdy at Sauquhymylne,—Adam Schoir, notary public, subscribing for James Ker, "because I can not write." Edinburgh, 5th March. Caution for James Ker and John Ker.

Sederunt—Dux Lennocie; Mortoun; Montrois; Lindsay; Dingwell; Pluscarden; Neubottle; Culrois; Barnbarrauch: Murdocairny; Blantyre; Clericus Registri; Culluthy. Edinburgh, 6th March.

The preamble cites the Act of Parliament of July 1587, published on the 14th of August in that year, and entitled "ANENT THE TRYALE AND PUNISCHEMENT OF THE OFFENSSIS OF THE ADVERSARIS OF THE TREW RELIGIOUN PRESENTLIE PROFESSIT WITHIN THIS REALME," recapitulating the command in that Act to all Jesuits and seminary priests to leave the country within a month after its publication, under pain of death (Acts of Parl., iii. 429); and it cites also the Act of Convention of Estates, dated 27th July 1588, nominating commissioners in all parts of the country, with full powers to put the said Act of Parliament into execution in all points (see *ante*, p. 298). Both the said Acts are hereby ratified and approved. But, on the ground that certain of the Commissioners so appointed in July 1588 "ar depairtit this lyffe, uthiris diseasit in thair bodyis, and sum absent furth of Renewal of Acts against the Jesuits and seminary priests: with reconstitution of the commission for putting the Acts in force, and appointment of a new commission of select clergy in the shires to cooperate in the work and promote subscription to the

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Confession of Faith and Covenant over the whole kingdom.

the realme and in uthiris pairtis fer distant fra the boundis within the quhilk commissioun wes gevin to thame be ressoun of thair residence thairin for the tyme, swa that at this present thay may nocht convenientlie use and execute the said commissioun with sic expeditioun as is requisite," the ordinance proceeds, "at the humble and eirnist desire of the Generall Assembley of the Kirk presentlie convenit," to reconstitute the commission by enumerating the following persons, "given in by them in roll," as the commissioners for executing the Acts henceforward:—For the cities and burghs the Provosts and Bailies of such *ex officiis*, and for the shires or "countrie to landwart," these noblemen and gentlemen: Robert, Earl of Orknay, in the shire of Orknay; George, Earl of Caithnes, Coline M°Kanzie of Kintaill, Thomas Frasair of Knokky, Andro Monro of Dawachartie, Angus Williamesoun M°Intoshe in Termett, and Johnne Urquhart, Tutor of Cromarty, in the shires of Invernes and Cromarty; Johnne Campbell of Caddell, sheriff of Narne, Hucheoun Ros of Kilrawak, and Johnne Hay of Lochloy, in the shire of Narne; James, Earl of Murray, Patrik Dunbar, sheriff wardator of Elgin and Fores, Robert Innes of that Ilk, Johnne Grant of Frewquhy, James Dunbar of Tarbatt, and David Dunbar of Grangehill, in the shires of Elgin and Fores; Williame, Earl of Mortoun, sheriff wardator of Banff, Alexander, Lord Saltoun, and Walter Ogilvy of Findlattir, in the shire of Banff; Johnne, Master of Forbes, Williame Forbes of Cors, Alexander Irwing of Drum, James Creichtoun of Frendraucht, Alexander Seytoun of Meldrum, Johnne Gordoun of Pitlurg, Williame Keith of Ludquharne, and Williame Turing of Foverne, in the shire of Abirdene; Williame, Earl of Angus, George, Earl Mairshael, Robert, Lord of Altrie, Andro, Lord Dingwell, Alexander Stratoun of Laurenstoun, Johnne Strauthachin of Thornetoun, Johnne Wischeart of Pittarro, and Johnne Ramsay of Balmane, in the shire of Kincardin; Johnne, Lord Hammiltoun, Thomas, Master of Glammis, Patrik, Master of Gray, David Lindsay of Edzell, James Skryngeour of Dudop, constable of Dundee, and George Haliburtoun of Pitcur, in the shire of Forfar; Johnne, Earl of Athoill, Duncane Campbell of Glenurquhy, Thomas Stewart of Garntully, Alexander Blair of Bathiok, Williame Moncreiff of that Ilk, and Patrik Ogilvy of Inchemartine, in the shire of Perth, Stormonth and Dunkeld; Johnne Murray of Tullibardin, Johnne Striviling of Keir, and Mr Johnne Halden of Glennegeis, in the stewartries of Stratharne and Menteith, and [? diocese] of Dunblane; Williame, Earl of Mortoun, Alexander, Commendator of Culrois, Williame Menteith of Kers, and Robert Bruce of Clakmannane, in the shires of Clakmannane and Kinros; Andro, Earl of Rothes, sheriff of Fyffe, James, Lord Lindsay of the Byris, Mr Williame Lundy of that Ilk, Andro Wode of Largo, and Mr David Carnegy of Culluthy, in the shire of Fyffe; Johnne, Earl of Mar, Williame, Lord Levingstoun, Alexander Forrester of Garden, and Johnne Levingstoun, younger of Dunnypace, in the shire of Striviling; George Dundas of that Ilk, Nicol Cornwall of Ballinhard, and David Dundas of Preistisinche, in the shire of Lynlythqu; Archibald Naper of Marchinstoun, Robert Fairlie of Braid,

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Acta 1589–91. and Patrik Monypenny of Pilrig, in the shire of Edinburgh; Williame, Earl of Angus, Francis, Earl Bothuile, Williame, Lord Hay of Yester, Sir Johnne Maitland of Thirlstane, chancellor, and Alexander Hume of Northberuik, in the constabulary of Hadingtoun and Dunbar; Sir James Hume of Coldenknowis, George Hume of Weddirburne, Alexander Hume of Huttounhall, Patrik Hume, apparent of Aytoun, Patrik Cokburne, tutor of Langtoun, James Seytoun of Tullibody, and Mr Thomas Cranstoun of Moreistoun, in the shire of Beruik or Mers; Williame Ker of Cesfurde, Walter Scott of Branxholme, George Douglas of Bonjedburgh, Johnne Cranstoun of that Ilk, and Andro Ker of Fadounsyde, in the shire of Roxburgh or Teviotdaill; Williame, Lord Hay of Yester, Johnne Stewart of Tracquair, Williame Tuedy of Drummelzeair, and Patrik Murray of Fawlahill, in the shires of Selkirk and Peblis; Johnne, Lord Hammiltoun, Williame, Earl of Angus, James, Lord Somervile, James Maxwell of Calderwode, Johnne Stewart of Mynto, and James Hammiltoun of Libbertoun, in the shire of Lanerk or Cliddisdale; Ludovik, Duke of Lennox, James, Earl of Glencairne, Robert, Lord Sempill, George Buchquhannane of that Ilk, Johnne Schaw of Grenok, Williame Edmonstoun of Duntreith, and Umphra Colhoun of Lus, in the bounds of the Lennox and shire of Renfrew; Robert, Master of Eglintoun, Thomas, Lord Boyd, Johnne Blair of that Ilk, and Thomas Craufurde of Jordanehill, in the bailiary of Cunynghame; Hew Campbell of Terrinyeane, Johnne Wallace of Cragy, Andro, Lord Uchiltree, and Williame Craufurde of Leifnoreis, in the bailiary of Kyle; Johnne Kennedy of Blairquhan, Thomas Kennedy of Bargany, and Johnne Cathcairt of Carltoun, in the bailiary of Carrik; Alexander Stewart of Garleis, Uthrid M^{c}Douell of Garthland, and Sir Patrik Vans of Bernbarrauch, in the shire of Wigtoun; Johnne Gordoun of Lochinvar, Thomas M^{c}Clellane of Bombie, and James Lidderdale of Sanct Marie Ile, in the stewartry of Kirkcudbrycht; Johnne, Lord Hammiltoun, James Douglas of Torthorwald, and Roger Greirsoun of Lag, in the shire of Drumfreis; Robert, Lord Sanquhair, James Douglas of Drumlangrig, and Roger Kirkpatrik of Closburne, in the Sanquhair or over part of Nythisdale; James Johnnstoun of Dunskelly, Charlis Murray of Cokpule, and Robert Johnnstoun, Laird of Newby, in the stewartry of Annanderdale; Archibald, Earl of Ergyle, and his curators, in the shire of Ergyle; Angus M^{c}Coneill of Dunnyveg and Glennis, Lauchlane M^{c}Clayne of Dowart, Donald M^{c}Coneill Gorme of Slaitt, and Donald M^{c}Cloid of Harriche, in the Ilis.—"Attoure, the saidis Lordis of Secreit Counsaill, heiring sindrie brutis and rumouris alsweill of foreyne as intestine plattis and preparationis for the trouble of the trew and Christeane religioun presentlie professit within this realme, and perelling of the Kingis Majesteis estate and standing depending thairupoun, baith having the same selff freindis and commoun enemeyis, subject to the like event of standing and decay, hes thocht meit, for preventing of the dangeir threatned hēirby alsweill to the ane as to the uther, that first of all the godlie and weill affected personis, his Majesteis

gude subjectis, salbe knawne and decernit fra thame that ar of a contrair dispositioun; and, to this effect, the saidis Lordis hes gevin and grantit, and be thir presentis gevis and grantis, full power and commissioun, expres bidding and charge, to the personis underwrittin, every ane of thame within the boundis particularlie limitat to thame, as followis." What follows is a list of clerical commissioners, distinct from the foregoing list of lay commissioners, and with different, though connected, functions, viz.: Thomas Swyntoun, Hary Colvill and Johnne Dunnone, in the shire of Orknay; Mr Williame Paip, Mr Robert Innes, Williame Gray, younger, Mr Johnne Robertsoun, Mr George Monro, Mr Robert Williamesoun, and Mr Thomas Howesoun, in the shires of Invernes and Cromarty; Mr Robert Rait, in the shire of Narne; Mr Johnne Keith, minister at Duffus, Mr Williame Douglas, minister at Elgin, and Mr Johnne Forrester, minister at Fores, in the shires of Elgin and Fores; Mr Williame Strauchachin, Mr James Duff, and Mr George Nicolsoun, in the shire of Banff; Mr Petir Blaikburne, Johnne Strauchachin, James Reid, and Abraham Sibbald, in the shire of Abirdene; Mr Andro Myln, Mr Williame Lesk, and Mr Alexander Arbuthnot, in the shire of Kincardin; Mr James Melvill, Mr Paull Frasair, Williame Crystesoun, Mr James Nicolsoun, Mr Henry Guthrie, Mr Henry Duncane, Johnne Foullartoun, and Mr Thomas Ramsay, in the shire of Forfair; Mr Williame Glas, Mr Williame Rynd, Alexander Young, Mr Archibald Moncreiff, and Mr Williame Row, in the shire of Perth, Stormonth and Dunkeld; Mr Andro Young, Mr Williame Striveling, and Alexander Fergy, in the stewartries of Stratharne and Menteith, and diocese of Dunblane; Johnne Dykis, Robert Rait, and Mr Alexander Wallace, in the shires of Clakmannane and Kinros; Mr Thomas Buchquhannane, Mr Andro Moncreiff, Mr James Melvill, and Mr Adam Michell, in the shire of Fife; Johnne Dunkesoun, Mr Alexander Levingstoun, and Andro Forrester, in the shire of Striviling; Patrik Kenloquhy, Mr James Law, and Mr Robert Colvill, in the shire of Lynlythqu; Mr Robert Bruce, Mr Patrik Simsoun, and Mr Michael Cranstoun, in the shire of Edinburgh; Adam Johnnstoun, Johnne Hereis, and James Gibsoun, in Dalkeyth; Williame Sandirsoun, Mr Cuthbert Boncle, Mr Thomas M^{c}Ghee, and Mr James Carmichaell, in the constabulary of Hadingtoun and Dunbar; David Hume, Johnne Clappertoun, and Robert Frenshe, in the shire of Beruik or the Mers; Mr Andro Clayhillis, Mr Williame Auchmowty, George Johnnestoun, Williame Balfour, and Mr Johnne Knox, in the shire of Roxburgh or Teviotdaill; Mr Archibald Douglas, minister at Peblis, Mr Johnne Welshe, minister at Selkirk, and Williame Sandirsoun, minister at Innerlethane, in the Forrest and Tueddale; Mr Johnne Davidsoun, Mr Robert Lindsay, and Mr Andro Hay, in Cliddisdale or Lanerk; Mr Thomas Jak, Mr Andro Knox, and Mr Patrik Walkinshaw, in the Lennox and Renfrew; Mr Alexander Skryngeour, Mr Alexander Wratoun, and Mr Robert Wilky, in the bailiary of Cunynghame; Johnne Portarfeild, Mr Johnne Inglis, and Mr Petir Prymrois, in the bailiary of Kyle; Johnne M^{c}Corne and Williame Young, in the

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Acta 1589–91. bailiary of Carak; Mr Niniane M^cClennoquhen and Johnne Young, in the shire of Wigtoun; Mr James Hammiltoun and Mr David Blyith, in the stewartry of Kirkcudbricht; Mr Hew Foullartoun and Mr Williame Thomesoun, in the shire of Drumfreis; Mr James Brysoun and Johnne Foullartoun, in the Sanquhair or over part of Nythisdaill; Alexander Gairdner, in Annanderdale; Mr Neill Campbell, Bishop of Ergile, in the shire of Ergyle.—The powers assigned to these clerical commissioners are thus defined:—"All and sindrie erllis, lordis, baronis, freehaldaris, gentilmen, inhabitantis of burrowis, and uthiris his Hienes legis quhatsumevir, off quhat rank and degree that evir thay be of, to call and convene befoir the saidis ministeris, be thair missive letters or messingeris, at quhatsumevir placeis and dayis thay sall think expedient, and thair require thame to giff the confessioun of thair faith, togidder with thair subscriptionis thairto and to the generall band maid and subscrivit alreddy be his Hienes and certane of his Esteatis, tuicheing the mantenance and defens of the said trew religioun, his Majesteis persone and estate, and withstanding of all foreyne preparationis and forceis tending to the trouble thairoff; and, in cais ony personis swa requirit dissobey, that the ministeris of Godis worde proceid to admonitionis, and, finding thame obstinat, caus the censuris of the Kirk be used aganis thame as enemeyis to God, his Majestie and the commounwele of this thair native cuntrey; and that the saidis ministeris crave the concurrence of the noblemen, baronis, and gentilmen within the boundis particularlie abonewrittin for the bettir executioun of the premissis."—The ordinance concludes by directing immediate proclamation of itself at the market crosses of the head burghs of
Page 310. the realm, with charge to both sets of commissioners to accept their commissions and report their diligence in the execution thereof to the Clerk of Council before the 20th of May next, under pain of rebellion and escheat of goods, and with charge also to all the lieges to obey and assist the commissioners in all ways, under the severest penalties.[1]

[1] This important ordinance is printed in Calderwood, vol. v. pp. 37–49, with the heading "Act of Secreit Counsell made Marche 6, and published therafter at the Mercat Croce," and with the concluding authentication,—"Given under our signet, at Edinburgh, the sixt of Marche, and of our raigne the 23rd yeere, 1589.—*Per actum Secreti Consilii*, J. Andro." Calderwood here, however, misplaces the document by a whole year, putting it in March 1588–89, instead of March 1589–90. He corrects his mistake when he comes to the latter date, explaining that he had forgotten that 1589 in the old Scottish style meant 1590 in the new (v. 89); but his editor for the Wodrow Society edition did not attend to his direction to transfer it to its proper place.—It will be noted that the latter part of the ordinance empowers the clerical commissioners appointed in it to require the lieges of all ranks in the King's name to subscribe the Confession of Faith, and also "the Generall Band maid and subscrivit alreddy be his Hienes and certane of his Esteatis tuicheing the mantenance and defens of the said trew religioun," &c. The Confession of Faith here referred to is the National Scottish Covenant of 1581, renouncing and defying the papal system *in toto;* the Band referred to is the more particular Band or Covenant that had been framed and numerously signed in 1587–88 in anticipation of the coming of the Spanish Armada (see *ante*, p. 254, footnote). Calderwood appends a complete copy of this Band to his copy of the present ordinance (v. 49–52). It begins: "Wee, undersubscribing, considering the strait linke and conjunctioun betwixt the true and christian religioun presentlie professed within this realme and our Soverane

Caution for James Heriot of Trabroun and his son.

Caution by James Hereot of Trabroun, as principal, and Mr Samuel Cokburne of Tempilhall, as surety for him, in £2000, and by the said persons for Richard Hereot, eldest son of the said James, in £1000, that they will not harm Hary Broun of Ovir Keith. Acta 1589–91. Page 311.

Caution for Auchinleck of Lastoun.

Caution in 1000 merks by Archibald Auchinlek of Cumlege for Williame Auchinlek in Lastoun, that he will not harm the said Hary.

Edinburgh, 7th March. Caution for John Mure.

Caution in 500 merks by Johnne Mure, flesher, burgess of Glasgu, as principal, and Hugh Glen of Linthillis, and Thomas Inglis, burgess of Paislay, as sureties for him, that he will not harm Margaret Mure, relict of George Harbertsoun, burgess of Glasgu.

Edinburgh, 10th March. Caution for Mr Gilbert Moncrieff.

Caution in 500 merks by Patrik M^{c}Calyeane of Cliftounhall for Mr Gilbert Moncreiff, bailie of Methven, that he will not harm Williame Moncreiff of Tippermallo, or David Moncreiff, his son. Page 312.

Edinburgh, 11th March. Caution for Panmure and Carmylie.

Caution in 1000 merks by Ephrame Quhytlaw, portioner of Middle Gourdy, and Thomas Gray of Sheilhill, for Patrik Maull, fiar of Panmure, and James Strauchane of Carmylie, that they will not harm David Maull of Boith.

Caution for Campbell of Dana.

Caution in £1000 by Johnne Campbell of Caddell for Duncane Campbell of Dannai, that he will not harm Patrik M^{c}Quene, minister at Rothesay, his bairns, tenants, or servants. Page 315.

Edinburgh, 13th March.

Sederunt—Dux; Hammiltoun; Angus; Mar; Mortoun; Lindsay; Thesaurarius; Blantyre; Barnbarrauch; Clericus Registri; Pettinweyme; Menmure; Halyairdis; Elemosinarius; Cancellarius Rossensis. Page 312.

Lord's estat and standing, having both the self-same freinds and commoun enemeis, and subject to the like event of standing and decay, and weyghing therewithall the imminent dangers threatned to the said religioun, als weill by forrane preparatiouns for prosecutioun of that detestable conspiracie against Christ and his Evangell callit THE HOLIE LEAGUE, as by outward and intestine practises of the favourers and supposts therof amongst ourselves," &c.—Why there should have been so strong a re-excitement on the subject of Spanish aggression and Papal intrigue at this particular time, when the King was absent in Denmark and all seemed universally quiet in Scotland, does not very well appear; but some light is thrown upon the matter by information in Calderwood (v. 70–71), to the effect that there had been very considerable alarm in the preceding January on account of the resort of Roman Catholics to Edinburgh, a rumour of their intention to surprise the city in the night, and a rumour at the same time of the arrival of suspicious Spaniards at Leith and other ports. More to the point, perhaps, is the fact, mentioned in the ordinance, that the General Assembly of the Kirk was sitting at the time when it was passed, and that it was passed at the earnest desire of this body. Of this General Assembly, which met at Edinburgh on the 3rd of March 1589–90, there is no account in the *Booke of the Universall Kirk;* but Calderwood gives a summary of its proceedings, from which it appears that opportunity was taken by the clergy in the King's absence to press even more earnestly than usual on Government the duty of rigorous action against Jesuits and Papists and of measures for strict Presbyterian discipline in every part and corner of the land. See Calderwood, v. 86–89. At all events, as the first general signing of the Scottish Covenant had been in 1581, when James was in his fifteenth year, so the greatest alacrity in what may be called the second signing was in the beginning of 1590, when James was abroad on his marriage-journey.

Acta 1589–91.

Act for the rigging out of ships for bringing the King and Queen home.

The King having, by an article sent with some of his Councillors from Norroway, "recommendit to the inhabitantis of his Hienes burrowis" to fit out certain ships "in gude equippage, for the convoying and hamebringing of his Majestie, with the Quene his darrest bedfellow, in this realme, at the tyme and seasoun convenient thairto now shortlie approcheing," the Commissioners of the Burghs, convened to that effect, after long conference, "hes willinglie grantit to the rigging oute and furnissing of sax shippis of the greitest birth that may be had within this realme, with men, munitioun, victuall and all uther necessair provisioun, and that be the ordour and forme following,"—two ships by the inhabitants of Edinburgh, assisted by the towns of Kinghorne and Innerkething; one ship by the town of Air, assisted by Rothesay, Dunbartane, Renfrew, Ruthirglen, Irwing, Glasgu, Kirkcudbricht, Wigtoun, Quhithorne, Lanerk, Jedburgh, Selkirk, Peblis, Drumfreis, Lynlythgu, and Lauder; one ship by the city of Sanctandrois, assisted by Dumfermling, Brintiland, Kirkaldy, Dysart, Pettinwyme, Anstruthir, Carraill, Coupair, Striviling, and Hadingtoun; one ship by Dundee, assisted by Abirbrothok and Forfair; and one ship by Abirdene, assisted by Brechin, Elgin, Invernes, Cullane, Fores, Narne, Tayne, Monrois, Northberuik, and Dunbar. "Quhilkis shippis, weill and honnourablie equippageit and furneist, every ane of thame with thretty marineris, quhairof thair salbe sax expert pilottis, accouterit and furnist with hand senzeis, flaggis, streamearis of weir of reid taffetty, reid syde claithis, and dekkit toppis with the cullouris of reid and yallow, salbe riggit oute be every ane of the principall burrowis particularlie abonewrittin, and brocht to this present Firth betuix and the first day of Aprile nixt to cum, reddy to depairt and mak saill togidder sa sone thaireftir as wind and weddir may serve thairto, and the same principall burrowis to have thair releiff thairfoir of the burrowis conjonit for thair supporte in maner abonementionat, according to thair pairtis thairof *pro rata*, particularlie to be sett doun in ane taxt roll to be made thairupoun." It is ordered that none depart beyond sea with their ships or other vessels till the ships appointed for this service shall first sail.[1]

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[1] Our last sight of King James was on the 22nd of December 1589, when he and his newly married Queen left Opsloe in Norway on a visit to Denmark itself and the Danish Court (*ante*, p. 445, footnote). The following passage from Spotswood (pp. 379, 380) gives an account of his movements since that date:—"Parting from Upslo with his Queen the 22nd of December, he came to Bahouse (a castle standing in the borders of Norway and Sweden) the 1st of January. There he remained seven days, attending a safe-conduct from the King of Sweden, which Captain William Murray was employed to bring from Stockholme, where that King kept his residence. The conduct brought, he removed from Bahouse the 8th of January, and was met by a Captain of Sweden upon the river, then frozen, with 400 horsemen, and, by the space of two Dutch miles, conveyed unto the land of Denmark. The next day he went to the Castle of Wertbury [Warberg], where he remained five days; and from thence, journeying by Falkenburgh, the town of Holmestade [Halmstad], and castle of Cowholm, he came to Elsingburgh [Helsingborg], where he was stayed some three days from crossing the Ferry [*i.e.*, the Sound] by tempest of weather; and on the 21st of January was received at Crownenburgh [Kronborg] Castle by the Queen-mother, the young King, the Duke of Holstat his brother, and the four Regents of the realm, with all magnificence possible. There he remained to the end of February,

Edinburgh, 14th March. Registration of royal order in favour of the Treasurer-Depute.

Registration, at the instance of Sir Robert Melvill of Murdocairny, treasurer-depute, of a letter subscribed by the King and his Council at Leith 20th October 1589, to the effect that, Sir Robert having disbursed and super-expended great sums of money at the King's command for his Highness's "utilitie and proffitt," his Majesty, with advice of his Council, assigns to him the casualties and the whole profit of the cunyiehouse "ay and quhill he be sufficientlie relevit of his haill debursementis," and, for better fulfilment of the same purpose, prorogues the coining of all gold, silver, and alloyed money, and in particular the eight penny groats and two penny placks, till the same be discharged, upon the premonition of 40 days' warning only, commanding also the officers of the cunyiehouse "to continew in melting, forgeing, prenting of the foirsaid gold, silver, and allayed money," and to pay the profits of the same to the said Sir Robert. Acta 1589–91. Page 314.

Edinburgh, 18th March. Act providing a substitute for the ship appointed to be rigged out by Ayr and certain other burghs for the King's convoy home.

After recitation of the recent Act of Council ordaining the principal burghs, with Air among them, assisted by a group of other towns, to bring six ships "sufficientlie decorit and accouterit" to the Firth before the 1st April for convoying the King home (*ante*, p. 469), the order proceeds :—

royally entertained; and, because he was to stay upon the marriage of the Queen's eldest sister with the Duke of Brunswick, which was appointed in April next, he directed home William Shaw, Master of Work, to advertise the Councel of the reason of his stay, and to cause some ships and expert pilots to be sent, with all diligence, for his more safe convoy." One of King James's letters sent during his Scandinavian journey to Mr Robert Bruce, minister of Edinburgh, is dated "from the 1589." It is very characteristic, and connects Castell of Croneburg, the 19th of February, itself also with the present order of Council. "Good Mr Robert," it runs, "besides the welcome newes that by your last letter yee sent unto me, yee painted out so vivelie therin your honest meaning to my service, besides the good report I have otherwise heard of your daylie travells for that effect, now during my absence, as I thinke myself beholdin whill I live never to forgett the same. And now, Mr Robert, since by the seasoun of the yeere ye may perceave that, God willing, your fasherie in that is neere an end, yee may fight out the rest of your battell with greater courage; *nam perseveranti in finem, &c.* I pray you, wakin up all men to attend my comming and prepare themselves accordinglie; for my dyett will be sooner, able [*aiblins*, perhaps], nor is looked for; and, as our Maister sayeth, I will 'come lyke a theafe in the night'; and whose lampe I find burning, provided with oyle, these will I cunne thankes to and bring into the bankett-hous with me; but these that laike their burning lampes, provided with oyle, will be barred at the doore,—for then will I not accept their crying *Lord, Lord*, at my comming that have forgett me all the tyme of my absence. How properlie this metaphore conveeneth with my purpose I leave to your judgement. For God's sake, take all the paines yee can to toone [tune?] our folkes weill now against our home-comming, least we be all shamed before strangers; and exerce diligentlie your new office of redder and componner. I thinke this tyme sould be a holie jubilee in Scotland; and our shipps sould have the vertue of the Ark in agreing, for a tyme at least, *naturales inimicitias inter feras;* for, if otherwise it fell out,—*quod Deus avertat!*—I behoved to come home like a drunken man amongst them, as the prophet sayeth; which would weill keepe decorum to comming out of so drunken a countrie as this is. I pray you, recommend me heartilie to the good proveist of your toun, and in anie thing he can pray him to assist my effaires, as I have ever beene certane of his good will in moe services. Speciallie desire him to further all he can the reeking out of three or foure shippes to meete me heere and convoy me home, as more particularlie the Counsell's directiouns will informe him; and likewise, I doubt not, he will assist the Maister of Worke in getting als manie good craftsmen as may be had for ending out the half-perfytted Abbey, that lyes in suche a dead thraw as did the hoastie of *Hoc est enim cor* betwixt the Spangnell preest's hands. Thus, recommending me and my new rib to your daylie prayers, I committ you to the onelie Alsufficient" (Calderwood, v. 81, 82).

Acta 1589–91. "And now, the Lordis of Secreit Counsaill, considdering how difficile and almaist impossible it is to the inhabitantis of the said burgh of Air to have thair ship riggit oute and brocht to thir pairtis betuix and the said day, in respect of the difficultie of the way and shortnes of the tyme, and on the uther pairt respecting the Kingis Majesteis lait directioun, send with Williame Shaw, his Hienes maister of werk, for sending away of the saidis shippis to his Hienes, with a noumer of expert pylottis and marinaris, for his Majesteis reddear passage and suretie, with all the diligence that possiblie can be usit, sa that na tyme may be pretermittit in this cais, and yit not willing to burdin the said inhabitantis of Air, and utheris townis foirsaidis, with ane impossibilitie, bot rather to hald hand, that thay may be ressonablie easit and his Majestie uthirwayes sufficientlie servit, with als grite thankis to be randerit to thame be his Hienes as gif thay had accomplissit the voyage with thair awne personis," therefore the Lords burden Williame, Commendator of Pettinweyme, with the rigging out of a ship to take the place of the one previously ordered from the burgh of Air and the other burghs associated with Air for that one ship,—the expenses of this substitute, however, to be charged to Air and her associate burghs in the proportions that may be "sett doun in the taxt roll to be made," and Air and her associate burghs, on that understanding, to be "relevit of all forder burding and travell in this cais."

Page 315. There being at present in the hands of the Town Council of Edinburgh a balance of £1000 out of their part of the late taxation granted by the Burghs for the expenses of the King's marriage, and the Lords of Council thinking it meet that this sum should be "deliverit to Williame Shaw, maister of werk to our Soverane Lord, and be him imployit upoun the bigging and repairing of his Hienes palice of Haliruidhous," the Town Council, "for the bettir advancement of this werk, being sa necessair," have, "at the eirnist desire and requeist of the saidis Lordis," signified their willingness to hand over the money on a certain condition. It is that, on paying it, they shall be relieved, by the King, and by Sir James Cheisholme of Dundorne, one of his Majesty's masters of household, of the obligation of a previous order to deliver the said sum to Sir James "for sustening of the chargeis and expenssis of the Dens commissionaris and thair tryne, eftir thair repairing to the toun of Leith, dalie luikeit for befoir his Majesteis depairting furth of this realme" (*i.e.*, in August last: see *ante*, p. 411, footnote), and also that they "be nocht burdynnit with ony forder chargeis and expenssis for the intertenyment and furnissing of ony strangearis that sall repair with his Hienes heireftir." The Lords, finding the desire reasonable, declare that the payment of £1000 to the said Williame Shaw shall be sufficient exoneration to the Town Council at the hands of his Majesty and the said Sir James Cheisholme, and that the said burgh shall not be burdened with expenses for entertaining strangers who may arrive with his Highness.

Warrant to the Town Council of Edinburgh to deliver £1000 to William Shaw, to be employed in repairing Holyrood-house, with exoneration to the Council and Burgh from a previous order to pay the same sum for another purpose.

Edinburgh, 20th March.

Sederunt—Ut in die predicto. Page 316.

Act ratifying a contract made by the burgh of St Andrews and other burghs with the Commendator of Pittenweem for a ship to be provided by him instead of them for the King's convoy.

For the more speedy rigging out of the ship for his Majesty's convoy home required by a recent order from the burgh of Sanctandrois and certain other burghs associated with Sanctandrois in that charge (see *ante*, p. 469), the commissioners for the inhabitants of the said burghs have agreed with Williame, Commendator of Pettinweme, to bear the expenses of a substitute ship to be provided by him, "quhairin the said Commendatare is to depairt in propir persoun afoir the uther schippis destinat for this erand can be in reddines." The Lords approve of this contract, and, for the better satisfaction of the said commissioners, declare that the rigging out of the said substitute ship at their expense shall be esteemed as good service to his Majesty as if they had sent their own ship and sailors in terms of the original order. Further, in case the other ships destined for this expedition shall not repair to Denmark, it is declared that the sum of £800 appointed by the said contract to be paid to the Commendator by the commissioners shall be deducted from the first taxation imposed upon the city of Sanctandrois and the other burghs joined with it in this matter. Page 317. Yet further, to the effect his Majesty may the better understand the good will of the said burghs to his Highness, the Commendator is ordained to declare the same to the King "immediatlie eftir his arryvall in the saidis pairtis of Denmark, quhairthrow his Hienes may be movit to acknawlege thair gudewillis, as appertenis." Finally, that the said sum may be collected and delivered to the Commendator with the greater expedition, the provost and bailies of Sanctandrois and the other burghs foresaid are charged "to mak payment, ilkane of thame respective, of the sowmes quhilkis every ane of thame for thair awin pairtis *pro rata* ar taxt unto, according to the taxt roll alreddy maid and set doun be thame selffis thairupoun,"—such payment to be made to James Hakket, bailie of Dysert, collector for the towns bewest Levin, and to David Watsoun in Sanctandrois, collector for the towns be-east Levin, under the pain of rebellion.

Caution for Colin Spens.

Caution in £500 by Coline Spens, burgess of Rothesay, as principal, and Mathow Stewart of Bavela, as surety for him, that he will not harm Mungo Gray, burgess of Rothesay,—John Andro, Clerk of Council, subscribing for him.

Caution for John Forret.

Caution in 500 merks by Johnne Forret, brother of David Forret of that Ilk, as principal, and James Forret, skinner, burgess of Edinburgh, as surety for him, that he will not harm David Kynneir of that Ilk.

Edinburgh, 25th March 1590.

Protest in favour of Stewart of Brighouse and his wife.

Alexander Stewart of Brighous, appearing for himself and for his spouse, Page 318. Elizabeth Hammiltoun, had given in a copy of letters raised by Johnne Ogilvy, apparent of Poury-Ogilvy, charging them to appear before the Council on a certain day past, bringing with them other letters, raised at their instance, commanding the said Johnne Ogilvy, as cautioner for the

Acta 1589–91. late Sir Johnne Ogilvy of Innerquharritie, to pay to them 2000 merks for the expenses of the said Sir Johnne while he was warded in the Castle of Blaknes (see vol. iii. p. 756), in order that the said other letters might be suspended. Parties having been called upon 6th March instant, the said Johnne had appeared by Thomas Ogilvy, his procurator, and the said Alexander, appearing for himself and his said spouse, had offered to discharge all obligations in the matter of the late Sir John's expenses, and to submit the modification thereof to the Council, if the said Johnne Ogilvy would do the like. The procurator for the said Johnne having then alleged that he could not agree to the proposal without the consent of his principal, the Lords had assigned the 14th day of March "for reporting of quhais advise or ansuer heiranent." On that day, however, nothing had been done in the business, "be ressoun of sindrie wechtie materis that intervenit in the meantyme." And now, neither the said Johnne nor his procurator appearing, but the said Alexander being present, and protesting that the letters he and his wife had obtained against the said Johnne should not be suspended, the Lords admit the protest, and order the said letters to be put to farther execution in all points.

Band for Robert Gordon in Towie.

Registration, by Mr Thomas Mawar, advocate, as procurator for the surety, of a band of caution in 500 merks by James Gordoun of Knokaspeck for Robert Gordoun in Towie, his brother, that he will not harm George Leslie in Taityeauch, or James Leslie there. Subscribed at Knokaspeck 20th March, before Johnne Neishe, tailor, Gawin Murray in Towy, and Alexander Braibner, cordiner.

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Band for William Meldrum of Moncoffer.

Registration, by Mr Johnne Russell, advocate, as procurator for the surety, of a band of caution in £2000 by Williame Kirkaldy of Grange for Mr Williame Meldrum of Moncoffer, that Patrik Barclay of Towy, Mr Williame Barclay and George Barclay, his brothers, Williame Barclay at the Mylne of Segeit, Johnne Barclay, his brother, and Williame Barclay of Pitdoulsy, who raised letters of lawburrowis against the said Mr Williame, shall be harmless of him. Subscribed at Seifeild, 26th March 1590, before Johnne Forrett of Fingask, David Forrett, brother of the said Johnne, David Leslie, servitor to the Laird of Seyfeild, and Gilbert Quhyte, servitor to the said Johnne Forrett.

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Page 321.

Edinburgh, 26th March. Band for Meldrum of Fyvie and others.

Registration, by Johnne Haliday, advocate, as procurator for the parties, of a band of caution by Sir James Creichtoun of Frendraucht for George Meldrum of Fyvie in £2000, for Johnne Meldrum, his brother, in 1000 merks, for Thomas Meldrum in Eden in 1000 merks, and for Alexander, George and Andro Meldrums, his brothers, in 1000 merks each, that Patrik Barclay of Towy, Mr Williame Barclay, his brother, George Barclay, his brother, Williame Barclay at the Mylne of Seggett, Johnne Barclay, his brother, and Williame Barclay of Pitdoulsy, shall be harmless of the said persons, conform to the letters of lawburrows obtained by the said Patrik Barclay of Towy and his colleagues. Subscribed at Dundee,

25th March 1590, before James Creichtoun, apparent of Frendraucht, Johnne Finlasoun, burgess of Dundee, James Stewart, servitor to the said Sir James, Andro Meldrum and James Marshael, servitors to the said George Meldrum of Fyvie, and Mr Williame Meldrum of Moncoffer. Acta 1589–91.

Edinburgh, 27th March. Band for John Stewart of Halrig.

Registration, by Mr Johnne Skrogy, as procurator for the surety, of a band of caution in £500 by Williame Cunynghame of Caprintoun for Johnne Stewart of Halrig, that Williame Neilsoun in Cluny shall be harmless of him, conform to the letters granted by the Secret Council of date 18th March 1589. Subscribed at the Kirk of Tarboltoun, 24th March 1589, before Mungo Mure of Hallowchappell, Mr Johnne Nesbitt, minister at Tarboltoun, Johnne Coswell and George Campbell, servants to the said Laird of Caprintoun, and Johnne Foullartoun (Foullar), notary public. Page 319. Page 320.

Band for Malcolm Baillie in Arbrek.

Registration, by Mr Johnne Russell, advocate, as procurator for the cautioner, of band of caution in £1000 by Johnne Kennedy of Grenane for Malcolm Baillie in Arbrek, that Johnne Hammiltoun of Stanehous shall be unmolested by him and his, conform to the letters of lawburrows raised by the said Johnne Hammiltoun, dated at Edinburgh 3rd February *anno regni* 23rd. Subscribed at Batzett, 22nd March 1589, before Quintene Boyd of Ardcrocher, Williame Boyd, his son, Allane Gairdner and Archibald M°Kracane, "my servandis," and Johnne M°Morane, notary public. Page 321. Page 322.

Band for John Kennedy of Grenan.

Registration, by Johnne Haliday, advocate, as procurator for the surety, of a band of caution in £1000 by Niniane Adair, younger of Kinhilt, for Johnne Kennedy of Grenane, that Johnne Hammiltoun of Stanehous shall be harmless of him, conform to the letters of lawburrows raised by the said Hammiltoun, dated at Edinburgh 3rd February *anno regni* 23rd. Subscribed at Dounnaill, 21st March 1589, before Quintene Boyd, David Kennedy, servant to the said Niniane, William Adair, his son and apparent heir, James Patersoun, Sir Thomas Wrycht, minister at Kirkmadin in Rennis, and Johnne M°Morane, notary public.

Band for Meldrum of Tullycarn and Meldrum of Auquhorties.

Registration, by Mr Johnne Russell, advocate, as procurator for parties, of a band of caution by Williame Gray, burgess of Abirdene, for Johnne Meldrum of Tullicarne and Patrik Meldrum of Auquhorteis, in 1000 merks each, that Patrik Barclay of Towy, Mr Williame and George Barclayis, his brothers, Williame Barclay at the Mylne of Segatt, Johnne Barclay, his brother, and William Barclay of Pittoulsie, shall be harmless of them, conform to the letters of lawburrows raised by the said complainers. Subscribed at Abirdene, 13th March 1589, before Mr Johnne Cheyne, Mr Thomas Gordoun, his servitor, and Thomas Gray, burgess of Abirdene. Page 323.

Edinburgh, 30th March. Band for John Burn.

Registration, by , as procurator, of a band of caution in 500 merks by James Forrett of Burrowfeild for Johnne Burne, messenger, that Margaret Mure, relict of George Harbertsoun, burgess of Glasgu, her

Acta 1589–91. Page 324.

bairns, tenants and servants, shall be harmless of him, conform to the letters executed for her by Robert Brok, messenger, dated at Edinburgh 4th March 1589,—Johnne Mure, flesher, burgess of Glasgu, becoming cautioner in relief. Subscribed at Glasgu, 27th March 1590, before Charlis Wilsoun, tailor, burgess of Glasgu, Robert Brok, messenger, Archibald Boyd, writer,—Archibald Eglintoun, notary, subscribing for the said flesher.

Edinburgh, 3rd April. Caution for George Clapen.

Caution in £1000 by David Orme of Mugdrum for George Clapen of Carslogy, that the provost, bailies, council and inhabitants of the burgh of Coupair, shall be harmless of him, conform to the Act of Parliament.

Edinburgh, 8th April. Band for Alexander Hay of Delgatty.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the surety, of a band of caution in 1000 merks by Gilbert Hay of Percok for the "richt honnourable" Alexander Hay of Delgatty, that Dame Agnes Sinclair, Countess of Errole, and Alexander Gordoun of Strathdowne, her spouse, shall be harmless of the said Alexander, conform to the charge given by George Mathew, messenger. Mr Johnne Shairp is constituted procurator

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for registering of the band; which is subscribed at Percok, 30th March 1590, before Thomas Hay and Alexander Davidsoun, servants to the said Hay of Delgatty, Mr Johnne Robertsoun, notary public, Mr Alexander Bruce, co-notary, and Patrik Hay.

Edinburgh, 10th April. Caution for James Hawthorn.

Caution in £500 by Johnne Kennedy of Carlok for James Hawthorne at the Inche, that Symon and Mr Williame Johnnstonis shall be harmless of him.

Caution for John Kennedy of Carlok.

Caution in £1000 by Johnne Kennedy of Carlok, as principal, and Symon Fergussoun of Culkerrane, younger, as surety for him, that the same two Johnnstounis shall be harmless of the said principal.

Caution for Quintin Boyd of Auchrocher.

Caution to the same purpose in £500 by Symon Fergussoun, younger of Culkerrane, for Quintene Boyd of Auchrochir.

Band for James Nicolson in Rudestoun.

Registration, by Mr James Foullis, advocate, as procurator for the sureties, of a band of caution in 300 merks by Williame Setoun of Blair and Johnne Forbes at the Brig of Dee for James Nicolsoun in Rudestoun, that Mr George Bissett of Pitmukstoun shall be harmless of him, conform to the tenor of the letters of lawburrows obtained by the said Mr George

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against the said James. Subscribed at Abirdene, 6th April 1590, before James Davidsoun, messenger, Thomas Kay, Archibald Douglas, pursuivant, James Davidsoun and Mr Thomas Mollisoun, notaries public,—Davidsoun subscribing for Nicolsoun, who cannot write.

Band for John Hay of Urie.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the parties, of a band of caution in 1000 merks by Williame Hay of Cremonmogat for the "richt honnourable" Johnne Hay of Urie, that Dame Agnes Sinclair, Countess of Errole, and Alexander Gordoun of Strathdowne, her spouse, shall be harmless of him, according to the charge given to him by George Mathew, messenger. Subscribed at Brigingour, 3rd April, before George Nesbitt, reader at the Kirk of Cremond, Williame

Cruikshank, George Caidnocht, Robert Geycht, servants to the said Hay of Urie, and Mr Johnne Robertsoun, notary public. Acta 1589–91.

Caution for the Constable of Dundee.

Caution in 1000 merks by Mr Hercules Rollok, master of the grammar school of Edinburgh, and James Lindsay, burgess of Dundee, for James Skryngeour of Dudop, constable of Dundee, that he will not harm Margaret Erskin, Lady Ruthvenis. Page 327.

Edinburgh, 12th April. Band for John Strang of Balcasky.

Registration, by Mr Johnne Schairp, advocate, as procurator for the parties, of a band of caution in £2000 by Andro Wode of Largo for Johnne Strang, elder of Balcasky, that he will not harm Mr Andro Sandielandis. Subscribed at Largo, 12th April, before George Ramsay, Robert Gourla, Henry Makesoun, and Henry Baxter.

Edinburgh, 25th April. Caution for Stewart of Shillinglaw.

Caution in £1000 by Williame Stewart of Caverstoun for James Stewart of Shillinglaw, that he will not harm the tenants, servants, or herds of Mark, Lord of Neubottle.

Edinburgh, 26th April. Band for Ogilvy of Glashauch and others.

Registration, by Mr Alexander King, advocate, as procurator for the surety, of a band of caution by Sir George Ogilvy of Dunlugus for Johnne Ogilvy of Glashauch, George Ogilvy in Cullane, Johnne Ogilvy of Mylntoun, James Ogilvy of Blarok, Walter Ogilvy of Baldavy, and James Ogilvy of Allanboy, in 1000 merks each, that they will not harm Walter Currour of Inchedrour. Subscribed at Banff, 21st April, before Sir Walter Ogilvy of Findlettir, James Ogilvy of Blerak, Mr Williame Leslie, notary public, and Alexander King, advocate. Page 328.

Band for Ogilvy of Findlater and others.

Registration, by the same procurator, of a band of caution to the same effect by Sir Patrik Gordoun of Auchindoun for Sir Walter Ogilvy of Findlettir, Sir George Ogilvy of Dunlugus, and Alexander Ogilvy of Boyne, in £2000 each, and for Walter Ogilvy, son and apparent heir of the said George, George Ogilvy of Carnehussy, his brother, Johnne Abircrummy of Skeyth, Walter Ogilvy in Cullane, Johnne Ogilvy in Raggall, Samuel and Johnne Ogilvyis, his sons, in 1000 merks each. Subscribed at Gartlie, 23rd April.

Edinburgh, 27th April. Band for John M^{c}Dowall of Logan and others.

Registration, by Mr Thomas Gilbert, advocate, as procurator for the sureties, of a band of caution by Uthrid M^{c}kdouell, elder of Garthland, and Uthrid M^{c}Kdouell, younger of Garthland, for Johnne M^{c}kdouell of Logane, George Campbell in Logane, Patrik M^{c}kdouell, tutor of Derregill, Uthrid M^{c}kdouell of Barjarg, and Johnne M^{c}kdouell of Knokincors, in £1000 each, and for Andro M^{c}kdouell in Culquhossin, Gilbert M^{c}kdouell in Balkar, Alexander M^{c}kdouell, his son and apparent heir, Fergus M^{c}Douell in Ervie, Andro M^{c}Kie in Culmuk, Alexander Agnew in Blair, and Johnne M^{c}Cristene of Barthaskane, in £500 each, that they will not harm Johnne Kennedy of Grenane, his tenants or servants. Subscribed at the Elrig and Garthland, 12th April, before Hew Campbell, younger of Killoch, Mr Hew M^{c}Douell, Johnne Agnew, and Johnne M^{c}kdouell in Dunduff. Page 329.

Acta 1589-91. Registration, by Mr Thomas Gilbert, advocate, as procurator for the parties, of a band of caution by Uthrid M^cDouell, elder of Garthland, and Uthrid M^ckdouell, younger, as principals, and Johnne M^cDouell of Logane, Uthrid M^cDouell of Barjarg and Johnne M^cDouell of Craigincors, as sureties for them, in £1000 either of them, that the same Johnne Kennedy and his dependents shall be harmless of the said principals and of the other persons named in the last Act. Subscribed and witnessed as above, save that M^ckdouell in Dunduff does not attest this obligation. Band for the M^cDowalls of Garthland.

Page 330. Registration, by Mr Johnne Crawmond, advocate, as procurator for the surety, of a band of caution in 1000 merks by Alexander Gaw of Maw for Grissell Gaw, Lady Skadny, that George Allirdes of Skadny, his tenants and servants, shall be harmless of her. Mr Henry Balfour is the other procurator for registering the band; which is subscribed at Brintiland, 26th April, before Johnne Melvill of Raith, Johnne Broun, younger of Fordell, Mr Thomas Powtie, Mr George Abircrumby, and Thomas Yule. Edinburgh, 28th April. Caution for Grissel Gaw, Lady Skadny.

Registration, by Mr James Foullis, advocate, as procurator for the surety, of band of caution in £500 by Sir Patrik Gordoun of Auchindoun for Walter Barclay of Newtoun, that he will not harm Johnne Lyoun of Colmalegy, his bairns, or dependents. Subscribed at Gartlie, 23rd April, before George Gordoun, James Abirnethy, and Patrik Barclay. Band for Barclay of Newton.

Page 331. *Sederunt*—Dingwall; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Carmichaell. Edinburgh, 29th April.

Complaint by Alexander Irwing of Drum, and Johnne Fairweddir, messenger, as follows:—On the 18th of March last, Irwing had directed the said Johnne to execute letters raised by him against George Craufurde, son of Williame Craufurd, sometime of Feddrat, touching the payment of £500 "in full contentatioun" of certain "contraventionis" specified in the said letters, and also for desisting from further occupation of the lands of Feddrat after a decree of removal obtained before the Lords of Council and Session. The said messenger, having executed the letters, was "lippynning for na thing les then ony persute," when the said George, accompanied by Hew Craufurde, his brother, Johnne Craufurde in Balmakelly, Edward Craufurde in Corbishill, Johnne Craufurde in Collane, Charlis Craufurde in Auchcheocht, Williame Craufurde in Irnesyde, Ronnald and James Craufurdis in Antanfuird, Magnus Craufurd, Alexander Reid in Auchcheocht, Andro Innes, Johnne Myller, Gilbert Galt, Alexander Hay, David Torry, Andro Torry, Andro Hill, and Williame Pratt, "shamefullie putt violent handis in the said Johnne Fairweddir, messinger, straik and dang him with swerdis and utheris waponis on the heid and utheris pairtis of his body, to the effusioun of his blude in grite quantitie; like as, to the forder contempt of his Majestie, the same personis, in maist barbarous maner, reft the saidis letters fra the said messinger, putt thame in his mouth, and compellit him to eit and swallie To denounce George Crawford and others for not appearing to answer a complaint of Irvine of Drum.

thame, to the grite hasard and perrell of his lyff." Further, upon the same day, the same persons had come, as "brigandis and vagaboundis," to the said Alexander's castle of Feddrat, seized and entered the same, expelled his servants, and intromitted with all the silver work and plenishing found therein; "quhilk hous thay have fortifeit and stuffit with men, munitioun and victuaill, and hes associat and convocat to thameselffis ane grite nowmer of debosheit vagaboundis, sornaris and oppressouris, be quhais assistance thai intend not onlie to keip and detene the said hous as ane house of weir aganis his Majestie and his authoritie, bot to grant resett and refuge thairin to all rebellis, fugitives and outlawis." Within this house, in fact, "thay ar intertenyit upoun the reiffis, heirshippis, spuilyeis and depredationis quhilk thay dalie committ upoun his Majesteis peaceable and gude subjectis dwelling thairaboute." Thus, upon 20th March they had sent out from it a number of their accomplices, "bodin in feir of weir," who reft from Gilbert Irwing, the said Alexander's brother, 20 sheep, and from the tenants of Allathin two chalders of victual.—The complainers appearing by Mr Gilbert Ros, their procurator, but the accused not appearing to answer, the Lords order them to be denounced rebels. Acta 1589–81. Page 332.

Caution for John Thomson.

Caution in £500 by Johnne Duns, portioner of Grueldykis, for Johnne Thomesoun in Grueldykis, that Williame Reidpeth of that Ilk, Thomas Reidpeth, apparent of that Ilk, and Johnne Reidpeth, his sons, Williame Reidpeth, tacksman of Ellem, and Patrik Thomesoun in Grueldykis, shall be harmless of him.

Edinburgh, 30th April.

Sederunt—Ut in die predicto, una cum Culluthy.

To denounce Patrick Hume and others.

Complaint by George Hume of Spott, as follows:—Patrik Hume, younger of Aytoun, Johnne Hume, his brother, Williame Hume of Swynwode, his brother natural, Patrik Craw, son of James Craw in Swynwode, with their accomplices, "bodin in feir of weir," had come, upon 4th March last, to the complainer's lands in Dunse, and "shamefullie cuttit twa of his plewis, bosted, minassed and injurit his tennentis and servandis, and offerit injurie and persute to thame be way of deid," thus doing all they could to break the King's peace, "sa cairfullie recommendit be his Hienes to all his faithfull and gude subjectis at his lait depairtur furth of this realme," while the complainer, though he might have returned injury for injury, has refrained, in reverence to that injunction.—The complainer appearing by James Douglas, fiar of Spott, his procurator, but the three last of the accused whose names are given not appearing as warned, the order is to denounce them rebels.

Leith, 2nd May. Proclamation made upon the arrival of the King and

"Forsamekle as the Kingis Majestie, our Soverane Lord, hes now, be the favour of Almichtie God, accomplissit his lait voyage with happy and confortable succes, and is saulflie returnit in this his realme with his darrest spous and Quene, honnourablie accumpanyit with divers

Acta 1589–91. personageis of honnour and credite, counsallouris and commissioneris to his darrest bruthir and allia the King of Denmark, and sindrie uthir gentilmen, his familiar servandis and loving subjectis, it becumis his Hienes thairfoir to continew maist thankfull in his dewitie to God for sa grite a prufe found of his grite mercy and favour, speciallie at this tyme; and all his loving and gude subjectis hes caus to think thair prayaris effectuallie hard and thair wisheis satisfeit. And, not onlie for his allias saik, being the principall meane in this lyffe to renew, augment and conferme friendship, specialie quhair it hes bene langsyne plantit and sinceirlie heirtofoir observit, bot for the monyfauld honnouris, courteseis and officeis of humanitie and hartlynes quhilk his Majestie and all his cumpany hes ressavit alsweill in the courte as ouer allquhair the dominionis of the Croun of Denmark quhair his Majestie hes jornayit and repairit, it becumis his nobilitie and people to shaw thair guidwillis to imitat the same, and to acquite the honourabill personageis and uthiris of that natioun repairit and cum with his Hienes, and presentlie remaning in this realme, with the like honnour, courtesie and humanitie, and to eshew all occasionis to the contrarie, as thay regaird his Hienes honnour and gude lykeing, and will undirly his indignatioun at thair awne perrell giff ony will presume to ministrat caus deserving the same. And of this his Hienes will and plesure ordanis publicatioun to be maid be oppin proclamatioun at the mercat croce of Edinburgh, schoir and peir of Leith, and utheris placeis neidfull, that nane pretend ignorance thairof, commanding and chargeing all and sindrie his Hienes legis and subditis, that nane of thame tak upoun hand to offer or do molestatioun, harme, greiff or injurie to the saidis counsallouris, commissionaris and gentilmen of Denmark, and utheris being in cumpany with thame, or thair servandis, or to mak thame provocatioun of displesour, be reproche, scorne or ony uthirwayes in word, deid or countenance, bot to shaw thame all freindship, courtesie, hairtlynes and gude intertenyment, undir the pane contenit in this his Hienes will and declaratioun, to be seveirlie used and extendit aganis the offendouris, giff ony (as God forbid) sall happin, in example of utheris. And, sen his Majestie, his counsallouris, and sic as hes bene in his cumpany, hes sene justice, gude ordour, quietnes and a luif and reverence of the Soverane Prince amangis the people quhair his Majestie hes remanit and travellit sen his depairting furth of this realme, and hes alswa gude experience of the luif of his nobilitie and people be thair keiping of sa gude reule and quietnes at his Majesteis admonitioun in his absens: thairfoir commanding all his Hienes awne subjectis, of quhat estate, degree or conditioun that evir thay be of, that thai contene thameselffis in quietnes, modestie and civile societie amangis thameselffis, and on nawayes tak upoun hand to persew, invade, molest, querrell or offend utheris, outhir for auld feid or new, be worde, deid or countenance, speciallie during the remaning and continewance of the freindis, strangearis, in this realme, undir the pane of deid: certifeing all sic as sall onywise presume (neglecting this [his] Hienes command) contempnandlie to do in

Queen from Denmark.

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the contrair, it salbe na utherwise estemit and punisheit nor wilfull slauchter, and as done aganis his Hienes awne persone."[1] Acta 1589–91.

Edinburgh, 7th May. Band for Maule of Panmure, Strauchan of Carmylie, and Andrew Gray.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of a band of caution by Johnne Thornetoun of that Ilk, and Gilbert Thornetoun, fiar thereof, for Patrik Maull, fiar of Panmure, and James Strauchane of Carmylie, in 1000 merks each, and for Andro Gray in Firth, in 500 merks, that they will not harm Henry Maull, portioner of Skryne. Williame Oliphant and Thomas Gray are also nominated procurators for registering the band; which is subscribed at Carmylie and Gleister, 5th May, before Gilbert Morer, Thomas Caird, Henry Gray, Johnne Horner. Page 334.

Edinburgh, 8th May. Band for John Blair of that Ilk.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the parties, of a band of caution in 10,000 merks by Johnne Cunynghame of Glengarnok for Johnne Blair of that Ilk, that Sir Patrik Houstoun of that Ilk shall be harmless of him, conform to the King's letters dated at Edinburgh 27th October *anno regni* 23rd. Subscribed at Glasgu, 30th March 1590, before Johnne Shaw of Grenok, Paull Cunynghame, factor to the said Laird of Glengarnok, Williame Shaw, son of the said Johnne, and Hew Blair, notary.

Edinburgh, 13th May. Caution for Andrew Motherwell and others.

Caution in 300 merks by George Birkmyre at the Kirk of Inchynnane, and Johnne Houstoun, burgess of Renfrew, for Andro Moderwell, bailie of Renfrew, Johnne Williamsoun, burgess there, Thomas Knok there, and Andro Reid there, that Johnne Neving *alias* Smyth, indweller in Renfrew, and James Hendirsoun, tailor, burgess of Edinburgh, shall be harmless of them. Page 335.

Edinburgh, 15th May. Band for Robert Scott of Haining and others.

Registration, by Mr James Donnaldsoun, advocate, as procurator for the parties, of a band of caution by James Hoppringle of Torsons (of that Ilk) and Williame Borthuik of Cruikstoun for Robert Scott of Haning in £1000, and for George Mitchelhill and Gawine Wilkie (Wilkene), bailies of Selkirk,

[1] The six ships which had sailed, under the command of Sir William Stewart, Commendator of Pittenweem, to bring his Majesty and the Queen home from Denmark, had arrived on the Danish shore in April, in the midst of the festivities at the Danish Court in Kronberg and Elsinore on account of the marriage of the Queen's elder sister with the Duke of Brunswick. These festivities over, there had been the leave-taking and embarkation; and on the 1st of May, the day before that of the present order, the King and Queen had landed safely at Leith, amid a great concourse, and with volleys of cannon and orations in their welcome. James had been absent from Scotland more than six months; and it was remarked at the time, and came to be memorable afterwards, that those months were a time of unusual peace and good order in Scotland. The only notable exceptions, according to Spotswood (p. 380), had been a riot in Edinburgh by Wauchope of Niddry and an outbreak of the ClanGregor in Balquhidder. (*ante*, p. 453). The Register of the Council during the last six months may furnish some other exceptions.—The King and Queen remained in Leith till Wednesday, the 6th of May, when they came to Holyroodhouse, "the queene in a Danishe coache drawin with eight hors, and richelie apparrelled with cloath of gold and purple velvet" (Calderwood, v. 94, 95).

Acta 1589–91. James Scott, called Litle James, burgess there, Johnne Sweit there, George Halywell there, Williame Mitchelhill there, Williame Brydane, common clerk of Selkirk, Johnne Brady, called Lang Johnne, burgess there, Williame Scott, called Litle Williame, there, Williame Thomesoun, cordiner there, and Patrik Kene there, in £500 each, that they will not harm Patrik Murray of Faulahill, or his dependents. Subscribed at Torsons and Selkirk, 13th May, before George Hoppringle in Mitchelstoun, Johnne Hoppringle and Williame Goven, servitors to the said James Hoppringle, Johnne Melros, burgess of Selkirk, Adam Murray, burgess
Page 336. there, Johnne Lidderdale, burgess there, and Williame Mairshaell,—William Brydin, notary public, subscribing for Kene, Mairshaell, Litill Willie, Lang Johnne, Thomesoun, and Sweit, who cannot write.

Edinburgh, 16th May. Caution for the Bailies of Dunbar and Northberwick.

Caution by George Todrig, burgess of Edinburgh, for the bailies of Northberuik and Dunbar, that they shall pay to the provost and bailies of Abirdene such sums of money as shall be found due for their parts of the taxation set by the said provost and bailies for the freight of the bark hired by them for convoying the King home, over and above £20 already consigned by the bailies of Dunbar for the tax thereof, and £10 by the bailies of Northberuik,—Mr Alexander Kellie, bailie of Dunbar, and Robert Olipheir, bailie of Northberuik, becoming cautioners in relief.

Edinburgh, 18th May.[1]

Registration, by Mr William Oliphant, advocate, as procurator for the parties, of a band of caution in £2000 by Laurence, Lord Oliphant, for

[1] On the previous day, Sunday, May 17, there had been the solemnity of the coronation of the Queen in the Abbey Church of Holyrood, in the presence of the Danish and other foreign ambassadors and of a great gathering of the Scottish nobles and gentry. For an account of it, and of the difficulties of the Presbyterian clergy on the question whether the ceremony ought to be on a Sunday, and also on the question whether anointing with oil could be an innocent part of the ceremony, see Spotswood, pp. 380, 381, and Calderwood, v. 95, 96. The ceremony lasted seven hours, the principal officiating clergyman, among five or six who took part, being Mr Robert Bruce. It was he that performed the anointing, and that, with the help of the Chancellor, and Mr David Lindsay, minister of Leith, put the crown on the Queen's head. There were three sermons in the course of the ceremony, one in Latin, one in French, and one in English; but perhaps the most memorable incident was the recitation by Andrew Melville, just after the Queen had been crowned, of a Latin poem which he had composed for the occasion, on very short warning. It was thought one of his happiest and most gallant efforts, and the King was so pleased with it, and with the admiration of it by the ambassadors, that he commanded it to be given to the printer immediately, as a specimen to the world of what Scottish Latinity could do at its best. Calderwood dates the recitation as having occurred, not at the coronation itself on Sunday May 17, but at the Queen's public entry into Edinburgh, two days afterwards (v. 97); and Melville's nephew, James, distributes it hazily between the coronation and the entry, mixing the two transactions (Melville's Autobiography, p. 279). Authentically, however, it was an incident of the coronation itself. M'Crie notes this, remarking at the same time, though without any comment, "The coronation was on a Sabbath"; and the title of the poem itself, as it was published at the instant by the Edinburgh printer, Robert Waldegrave, leaves no doubt on the subject,—"Στεφανισκιον. *Ad Scotiæ Regem, habitum in Coronatione Reginæ*, 17 *Maii* 1590. *Per Andream Melvinum.*"—To grace the coronation, Chancellor Maitland was created a peer, with the title of Lord Thirlstane, and knighthoods were conferred on the Master of Glammis, the Master of Cassilis, and the Lairds of Bass, Buccleuch, Fernihirst, Cessford, Drumlanrig, Lochinvar, Garlies, Glenorchy, Hallhill, and Balwearie.

Caution for Sandilands of St Monance.

Williame Sandelandis of Sanctmonanis, that Mr Andro Sandielandis shall be harmless of him, conform to the King's letters directed by deliverance of the Lords of Secret Council and dated at Edinburgh 1st April 1590. Subscribed at Kelty, 16th May, before Johnne Oliphant, "my sone," Laurence Oliphant of Williamestoun, Henry Adamesoun, burgess of Perth, Robert Bonar, and David Rollok, notary. Acta 1589-91. Page 337.

Caution for Ninian Bonar of Keltie.

Registration, by same procurator, of a band of caution in £1000 by Williame, Lord Oliphant, for Ninane Bonar of Kelty, that the same Mr Andro Sandielandis and his dependents shall be harmless of him, conform to King's letters dated at Edinburgh 18th March 1589,—Johnne Andro, Clerk of the Council, inserting the obligation in the Books of Council. Subscribed at Kelty, 16th May, before the same witnesess.

Edinburgh, 19th May.[1] Caution for Mure of Newton and others.

Caution by Sir Williame Levingstoun of Kilsyth, and Williame, his son and heir, for Williame Mure of Newtoun, in 500 merks, for Alexander and Edward Muris, his sons, James Mure in Grange, Captain Alexander Mure, and Johnne Symsoun, younger, in Bothkenner, in £500 each, that they will not harm James Luverance in Dabeth.

Edinburgh, 20th May. Caution for Gilbert Ogilvy of that Ilk and others.

Caution by Johnne Ogilvy of Craig for Gilbert Ogilvy of that Ilk in £1000, and for Alexander Thomsoun in the Glen of Ogilvy, Johnne Gibsoun there, Robert Thane in Middiltoun of Ogilvy, and Johnne Blair in Torbrakis there, in 500 merks each, that they will not harm James Duncane, "baxtar," burgess of Dundee,—Mr Gilbert Ogilvy of Pitreuchy becoming surety in relief. Page 338.

Caution for Hume of Renton and Robert Brown.

Caution by Patrik Hume of Rentoun and Robert Broun of Blaikburne, as principals, and George Auchincraw of Eistrestoun and George Hume of Blakismyln, as sureties for them, in 1000 merks each, that they will not harm Mr David Hume, brother of George Hume of Weddirburne.

Caution for Hume of Broomhouse.

Caution to the same effect by Patrik Hume of Brumehous, as principal, and Johnne Hoppringle of Buckum, as surety for him, under the pains contained in the letters executed against him.

Caution for Murray of Falahill, Murray of Blackbarony, and others.

Caution by Patrik Murray of Faulahill, as one of the principals, and James Hoppringle of Wodhous and Johnne Hoppringle of Buckholme, as sureties for him, and by the said persons as sureties for Johnne and Andro Murrayis, brothers to the said Patrik, Johnne and Malcolme Murrayis, his father's brothers, James Murray, son natural to the late Patrik Murray of Fawlahill, Johnne Murray of Blakbarony, Mr Judeane and Williame Murrayis, his brothers, Patrik Murray of Kirkhous, Robert Murray of Orcheard, George Turnbull in Phillophauch, Johnne Turnbull, his son, Williame Murray there, and Michael Watsoun, servant to the said Patrik, that they will not harm Robert Scott of Haning, James Scott,

[1] This day, Tuesday, was the day of the Queen's formal entry into Edinburgh from Holyrood. Of the procession, the masquings and pageants in the streets, the sermons, the orations, &c., see an account in Calderwood, v. 96–98, and in quotations from other records in Chambers's *Domestic Annals of Scotland*, vol. i. pp. 197–199.

Acta 1589-91. called Mekle Jame Eister, there, or any of the other twelve persons for whom caution had been found in the Act of May 15 (*ante*, p. 480),—Murray of Faulahill and Murray of Blakbarronie under a penalty of £1000 each, and the rest under a penalty of £500 each.

Edinburgh, 21st May. Caution for Raulf Weir and others.

Caution by Gawine Hammiltoun of Roploch for Raulff Weir of Calsayfute, Mr James Weir of Wodheid, Johnne Weir in Clennodike, Johnne Pett in Quhytehill, Richard Ker of Brumepark, Adam Quhyte of Morthargill, Johnne Vicaris of Perthheid, Johnne Mathew of Trowis, Johnne Lene in Blarichnyne, Thomas Broun in Foulfuird, Robert Wilsoun of Graystane, Nicol Fawsyis (Fairservis ?) there, Thomas Thomesoun there, Bartill Blyth in Manis, Stevin Roger there, George Broun there, James Fawsersyde (? Fairseyis) there, Rolland Porter there, Patie Lein there, Raulff Weir in Auchtygemmill, and Johnne Bane (? Baird) of Carnegour, in 300 merks each, that they will not harm Jeane Arcle, relict of Patrik Hude in Knokane, or Johnne Hude, her eldest son,—John Andro subscribing for Richard Ker, "becaus I can not write."

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Caution for Laurence Haliburton and others.

Caution by George Haliburtoun of Pittartie for Laurence Haliburtoun of the Manis of Mawis, Johnne Haliburtoun in Thounamone and Andro Haliburtoun in Blair, his brothers, in 1000 merks each, and for Laurence Sym in Middle Mawis, Archibald Sym in Hiltoun of Mawis, his brother, Johnne Myller at the Myln of Enoch, Alexander Myller at Baroneredismyln, Johnne Myller, younger, there, George Sym in Middle Mawis, Archibald Sym, his brother, Johnne Arthour there, and Williame Arthour in Eister Mawis, in £100 each, that Robert Lyoun at the Myln of Blair, Archibald Lyoun at the Myln of Gormok and Patrik Lyoun, his sons, Johnne Soutair in Glasclune, and Robert Mar in Wester Gormok, shall be harmless of them.

Caution for Lindsay of Balgais.

Caution in £500 by George Campbell of Crunane for Mr Walter Lindsay of Balgais, that he will not harm Agnes Auchtirlony, relict of Johnne Guthrie of Hiltoun, or Johnne Oliphant, now her spouse.

Caution for the Earl of Atholl.

Caution in 500 merks by Williame Banerman of Cragy (Craig) for Johnne, Earl of Athoill, that, within 20 days after the delivery to him of Hall, according to letters executed against the Lord and Master of Ogilvy, the said Earl shall administer justice to the said Hall for such crimes as shall be given in dittay against him.

Edinburgh, 23rd May. Caution for Stewart of Garlies.

Caution in £2000 by Alexander Stewart of Garleis, as principal, and Patrik M°Kie of Larg, as surety for him, that he will not harm Patrik Stewart, Prior of Quhithorne, or David Kennedy, his chamberlain.

Edinburgh, 25th May. Caution for Margaret Erskine and another.

Caution in 1000 merks by David Reid of Aikinheid for Margaret Erskin, Lady Ruthvenis, and Alexander Ogilvy, father-brother to the Laird of Inchemartine, that they will not harm James Skryngeour of Dudop, constable of Dundee.

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Edinburgh, 26th May.[1] Caution for Campbell of Glenorchy.

Caution in 5000 merks by Duncane Campbell of Glenurquhy, as principal, and James, Commendator of Incheaffray, as surety for him, that he will not harm Archibald Campbell, fiar of Monzie. Acta 1589–91.

Edinburgh, 27th May. Caution for Jean Arkle and her sons.

Caution by Thomas Weir of Kirktoun for Jeane Arcle in Knokane, Johnne, Thomas and Williame Hudis, her sons, in 300 merks each, that they will not harm Raulff (Weir) of Calsayfute, Thomas Fairseyis in Middilholme, Thomas Portair there, Robert Weir in Quhytesyde, or any of the other persons, named as cautioned for in her interest in the Act of May 21 (*ante*, p. 483).

Holyrood-house, 28th May. Charge to Mr James Gordon, Jesuit, and to the Earls of Sutherland and Huntly.

As, notwithstanding the Act of Parliament ordaining Jesuits and seminary priests to leave the country within a month of the date of the publication of the said Act, under pain of death, and declaring that their resetters for three days or three nights continuously shall incur escheat of liferent (1587, c. 3, iii. 429), Mr James Gordoun, father-brother to George, Earl of Huntley, "ane avowit Jesuit," has continually remained in this country since the passing of the said Act, "occupiit be publict and prevey ressoning in allureing and perswading of his Majesteis gude subjectis to declyne frome the trew religioun presentlie professit within this realme," and has also been always reset by the Earls of Huntley and Suthirland, Sir Patrik Gordoun of Auchindoun, and others of their friends, in their houses and upon their lands, "be the said space of three dayis and three nichtis togidder," the King, with advice of his Council, charges the said Mr James to appear personally, and the said Earls and Sir Patrik to enter him, before the Council upon 20th June next, under pain of rebellion. Page 341.

Holyrood-house, 30th May. Protest in favour of John Carmichael of that Ilk.

Johnne Carmichael of that Ilk appears, for himself, and for George Hume of Spott, chamberlain of Dunbar, and gives in a copy of letters raised by Williame Watt in Eist Barnis, Johnne Meslatt, Alexander Gulane, David Thomesoun, Patrik Brysoun, William Woulff, James Scowgill, George Smith, Thomas Hume, William Purves, and Johnne Purves, there, David Liddell in West Barnis, James Hopper, Williame Kellie, David Nimmo, Williame Liddell, James Young, Alexander Lauder, Williame Hammiltoun, Andro Manderstoun, Williame Boncle, Marione Storie, Alexander Corsbie, and Johnne Hay, there, Williame Nesbitt in Newtoun, Thomas Achesoun and Johnne Achesoun, there, Nicol Bog in Lochend, Williame Kellie and Johnne Douglas, in Oswall-Dene, charging the said Carmichael and Hume to appear before the Council and produce other letters of horning and poinding by which the said tenants had been commanded to pay the stent

[1] This was the day of the departure home from Leith of the Danish ambassadors and noblemen that had come with the Queen, one of them being that Steno Brahé, the relative of the astronomer Tycho Brahé, of whom we had to take note before (see *ante*, p. 445, footnote). "They receaved in propines," says Calderwood (v. 98, 99), "the worth of 13,000 or 14,000 crounes in chains and plait or jewells; seven or eight tunnes of wine, aile, beefe, bread, mutton, in abundance, were layed in to their shippes. There remained none of the Danish companie with the Queene but sixteene persons, to serve her in one office or other."

Acta 1589-91. of 30s. for each pound land of Eist and West Barnis, lying within the lordship of Dunbar, in order to the suspension of the same.—The said tenants not appearing personally or by deputy, Carmichael protests that the said letters directed against the said persons should be put to farther execution; and the Lords, admitting the protest, ordain accordingly.

Holyrood-house, 1st June. Suit of Robert Jamieson, master of a ship of Ayr, hired to bring home the King and Queen.

Complaint by Robert Jamesoun, burgess of Air, owner of the ship called "James Royall" of Air, as follows:—The burgh of Air having been required, with the help of certain other burghs, to rig out one of the six ships appointed to bring home the King and his Queen (see *ante*, p. 469), the commissioners of the said burgh, for themselves and in name of the other said burghs, had freighted the complainer's said ship to the effect foresaid, "promitting to satisfie him, as utheris the burrowis shippis passing in that jornay, as the charter pairtie and appunctuament, togidder with their commissioun gevin to him thairupoun, can at lenth testifie." But, a little before his departure on the said voyage, letters had been directed by the Privy Council charging the provost and bailies of Ayr and the conjoined burghs "to mak payment, ilkane of thair awne pairtis *pro rata*, of the taxt and contributioun imposit upoun ilk burgh and toun for rigging oute of the said ship," to Williame, Commendator of Pettinweyme, under pain of rebellion (*ante*, p. 470). The complainer, thus seeing himself "liklie to be frustrat" of the "appunctuament" between him and the said commissioners, had appealed to the Lords of Privy Council, "quha than tuke ordour and appointit that the contributioun imposit upoun the saidis burrowis for the effect foirsaid suld be collectit and uptakin be the officiaris executouris of the saidis letters of horning, and remane in thair handis unmellit or intromettitt with, ather be the said Commendatair or the said Robert, till his Majesteis hamecuming." The said contribution has been collected and is now in the hands of Johnne Gledstanes, Ormond pursuivant, and Alexander Stobo, messenger; and the complainer, having "deulie dischargeit his service and voyage," pleads that the money should be delivered to him, according to the contract.—The complainer and the Commmendator appearing personally, but the said Johnne and Alexander not appearing, the Lords decern the said contribution to appertain to the complainer, because he had duly performed the voyage according to direction.

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Caution for the Lord of Newbattle.

Caution by Johnne (? Hew) Craufurd, bailie of Monkland, for Mark, Lord of Neubottle, in £2000, and for Williame Baird in the Lie and Hob Coffer in Cowquhoir, in 500 merks each, that they will not harm James Stewart of the Wowis.

Edinburgh, 2nd June. Caution for Maxwell of Carnsalloch.

Caution in £1000 by Homer Maxwall of Carnsalloch, as principal, and Alexander Gordoun of Balchry, as surety for him, that he will not harm Margaret Maxwell, Lady Carnsallauch, or Robert Johnnstoun, her spouse. Johnne Andro subscribes for Maxwall, "becaus I can not write."

Holyrood-house. 3rd June.

Sederunt—Angus; Mar; Magister Glammis; Murdocairny; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Carmichaell.

Acta 1589-91. Page 343.

Mr George Bisset, sheriff officer of Aberdeen, to be warded in Blackness Castle, and certain other Aberdonians to be denounced, for attacks on Mr George Abercromby, Writer to the Signet, while on a late official visit to Aberdeen.

Complaint by Thomas, Master of Glammis, treasurer, Sir Robert Melvill of Murdocairny, treasurer-depute, and Mr George Abircrumby, writer to the signet and solicitor in the office of treasury, as follows:—The said treasurer and his depute had directed the said Mr George to the North in the beginning of April last, with letters "alsweill in commendatioun of the gude inclinatioun of his Majesteis liegis to keip the tyme of his Hienes absens haly, as commanding and chargeing thame to keip thameselffis in quietnes, peace and rest quhill his returning within this realme," and with other letters requiring all sheriffs and their clerks within the said bounds to deliver "the just extractis of all horningis registrat in thair bukis, to ly at the said Thesauraris register, for the bettir ordour-taking with the casualiteis of the escheittis, as thay sal happin to fall." The said Mr George, having used all diligence with the letters at all burghs "betuix Cowper in Fyff and Abirdene," had, upon the 4th of April, "causit James Davidson, messinger, pas to the marcat croce of the said burgh of Abirdene, and publictlie proclame the saidis letters for continewance of the present quietnes; quhilkis wer verie thankfullie obeyit and weill lykit of be the nobill men and baronis of the cuntrie." Nevertheless, "Mr George Bissett, allegeit mair of fe and sheref officiar of Abirdene, upoun quhat occasioun the said complenar knawis nocht, immediatlie eftir the said proclamatioun, come, accumpaneit with Patrik Bisset, his broder, callit the Tyrrane, Williame Smyth, Johnne Lamerkin, Alexander Thomsoun, Johnne Strauchathin, *alias* Litill Johnne, Thomas Strauchathin, cordinar, and certane utheris rascallis, bodin in feir of weir, with secreittis, plaitslevis, steilbonettis, bendit pistolettis and swordis (having at the said complenaris first entrie in the said burgh send word to Andro Dun, litstair, his oist quhair he ludgeit, commanding him that under the pane of his lyff he come not to the hie gait by the said Mr George Bissettis clois heid), umbeset the said complenar at the croce of the said burgh, quhair the said Patrik the Tirrane, calling him knaif, threitnyt to put twa bullettis throw his heid gif he had him af the gait; lyke as, dalie thaireftir, in the said complenaris cuming to the gait, thay awaytit on him for his slauchter, and sa had cum to thair intent, gif be the providence of God and assistance of the honest nychtbouris of the toun he had not bene preservit. Lyke as, upoun the sevint day of the said moneth, the said Mr George Bisset being gangand with Mr Robert Chalmer, burges of the said burgh, at the tolbuith stairfute, and the said complenar passand by the croce to the Castelhill, he preissit to have schot him behind his bak with a bendit pistolet (quhairwith he pacientlie comportit); and likewyis, at his returning hame to his ludgeing, the said Mr George Bisset and his saidis complices past all the way doun befoir the said complenar quhill he come foranent his awin clois heid,—quhair, becaus he wald not reteir himself

Acta 1589-91. and gang to his ludgeing round about the toun, he invadit him agane with a bendit pistolet,—quhilk being takin fra him be his awin nychtbouris, he drew his swerd: quhair lykewyis he and his saidis complices, having hurt the said complenaris servand, Williame Tailyeour, in the bak of his hand, had slayne the said complenar alsua behind his bak, he being haldin and his wappynnis kepit undrawin be the nychtbouris of the toun for his defence, gif God and thay had not bene on his syde. And, yit not contentit heirwith, the said complenar being convoyit the hie way to his ludgeing be the saidis nychtbouris, and the provost and baillies of the said burgh having ressavit Johnne Leslie cautionar for the said Mr George Bisset, tha
Page 344. he sould na wayis troubill the toun ony forder quhill thay had put ordour to him for the wrang ellis done, and likewyis cautioun of the said complenar that he sould comport quhill thay had tane the said ordour, the said Mr George Bisset and his saidis complices, rascallis and vagaboundis for the maist part, and the said Patrik the Tyrrane, his broder, come to the said complenaris ludgeing, yeid up and doun a lang space foranent the yet thairof, kepit a gaird hous in the said Williame Smythis buith directlie foranent the said complenaris yet, provokand him with mony injurious wordis to cum furth knaif for his hanging and stikking; quhairwith he pacientlie comportit, rather for the reverence he buir to the service quhairin he wes than employit nor for ony feir of partie; and, seing he wald not cum out to thame, thay schot in pistollettis at him, he beand writtand in the chalmer, quhair, gif his heid had not bene doun at his writting and the bullettis past to the uther syde of the hous, thay had slayne him throw the windo. Upoun quhilk contempt of the magistrats of the toun the said Mr George Bisset and his said cautionar wes, upoun the morne thaireftir, callit befoir thame to the tolbuith, quhair, the said complenar kepand his complaint to the Lordis of Secreit Counsale, the townis magistrattis convictit the said Mr George Bissettis cautionar in ane unlaw, and himself be ane inqueist of nychtbouris, quhairupoun thay have set furth thair publict act for thair pairt of the said cryme and contempt committit aganis the toun."—The pursuers appearing personally, and Mr George Bisset alone of the accused being present, the Lords ordain him to enter in ward in Blaknes within 48 hours hereof, to remain there till freed; and, to this effect, a warrant is delivered to him for his receipt within the said Castle. They also command officers of arms to denounce those of the accused who have not appeared.

To denounce David Cochrane and his wife for not appearing to answer a charge of assault on Mr John Logie, advocate.

Complaint by Mr Johnne Logy, advocate, as follows:—In September last, when he was in Inschyra, "cravand certane personis sum sowmes of money addettit be thame to him for certane teind salmond fischeis, and in speciall David Cochrane, sone and apperand air to Petir Cochrane of
Page 345. Pitfour," the said David Cochrane, with his wife Issobell Orrok, had come to him, "besyde Thomas Blairis hous in Inchira," armed with two pistols, "and cruellie dang him upoun his face and tuke his awin swerd fra his boy, and with the gairdis thairof maist schamefullie struke him upoun his heid, bak, and schulderis, with mony bauch straikis, and feld

him to the ground, and brak his schulder blaid, and thaireftir transportit him perforce to ane dyke syde, and thair causit him subscrive ane discharge of certane sowmes of money addettit to him quhilk he nevir ressavit, avowand he sould schute him with ane pistolet or stryke him throw the body with his awin swerd gif he subscryvit not the samyn, and boistit and threytnit that, gif evir he come agane to crave him or ony uther persoun in that toun for ony thing addettit to him, he sould be his deid." Such shameful cruelty "hes semdill bene sene or hard of in ony cuntre subject to justice," particularly against "sic ane sympill aigit man and ane member of the College of Justice."—The complainer appearing, the said David and Issobell, for not appearing, are to be denounced rebels. Acta 1589–91.

Caution for Patrick Wood of Bonnytoun, and others.

Caution by Williame Wod of Lautoun and Andro Lamb of Sutre in Leyth, for Patrik Wod of Bonytoun in £1000, for Johnne Wod of Incheok in 1000 merks, and for Henry Rynkene in Myresyde, Cristeane Durwart, relict of Johnne Bouchart of Annatstoun, and George Hanyslie in Hantestoun, in £200 each, that they will not harm Williame Ogilvy, Williame Pitcarne, Williame Duncane, or Johnne Ramsay of Incheok, tenants to Johnne, Lord Innermeyth.

Holyrood-house, 4th June.

Caution for John Tweedie.

Caution in £1000 by William Cokburne, burgess of Edinburgh, for Johnne Twedy, sometime tutor of Drummelzeare, that he will not harm Mr Thomas Nasmyth, fiar of Posso.

Caution for James Duncan.

Caution in £500 by James Watterstoun, fiar of that Ilk, for James Duncane, "baxter," burgess of Dundee, that he will not harm Alexander Thomsoun in the Glen of Ogilvy, Johnne Gibsoun there, Robert Thane in the Middiltoun of Ogilvy, or Johnne Blair in Torbrax Page 346.

Caution for Charles Liverance and others.

Caution by Charles Leverance, burgess of Linlythquow, Williame Wilsoun, "baxter" in Edinburgh, and Barthilmo Wilsoun in Scottistoun, as principals, and Johnne Wilsoun, "baxter," burgess of Edinburgh, as surety for them, in 500 merks each, that they will not harm Thomas Cunynghame, son of James Cunynghame of Newtoun.

Caution for Thomas Inglis and others.

Caution in 500 merks to the same effect by Thomas Inglis in Hilhous, Alexander Inglis in Quhyttakis, Williame Inglis in Gormy, James Inglis in Ricartoun, and Johnne Inglis, younger, there, as principals, in 500 merks each, and by Gilbert Inglis, skinner, burgess of Edinburgh, as surety for them,—Johnne Andro subscribing for the principals, "becaus we can not wryte."

Holyrood-house, 6th June.

Sederunt—Rex; Cancellarius; Thesaurarius; Computorum Rotulator; Clericus Justiciarie; Blantyre; Clericus Registri.

Act in favour of the Commendator of Pittenweem, going on an embassy to Germany.

Williame, Commendator of Pettinweme, having been appointed his Majesty's "ambassador to the partis of Almany, to intreit upoun certane greit and wechtie effaris contenit in the commissioun and instructionis consavit thairupoun," and being about to depart at once on his mission,

Acta 1589-91. the King and Council ordain that from this day there shall be no process led or given against him before the Lords of Council and Session, or any
Page 347. other judges, in any matter criminal or civil, and that nothing shall be done by the King, the said Lords, or any other, to the prejudice of any rights of his to any landis, benefices or casualties, till his return; while, on the other hand, he and those accompanying him in the said service may, by their procurators, have process before the judges in all matters. This present ordinance is to be registered in the books of Council and Session, that it may be inviolably observed.

Caution by Gilbert Dik in Kincavill for Johnne and Archibald Dikis, his sons, in 500 merks each, that they will not harm Thomas Cunynghame, son of James Cunynghame in Newtoun. Edinburgh, 8th June. Caution for John and Archibald Dick.

The King, with advice of the Lords auditors of Exchequer, orders officers of arms to arrest in the hands of David Clapen in Leyth, or of any other person, any money consigned in their hands, or due by them to Sir Williame Keyth, for Coline M°Kenzie of Kintaill, "or remanent gentilmen and tenentis of the erledome of Ros, for thair fewis thairof," or that rests yet in the hands of the said Colin or tenants foresaid unpaid or not consigned, and to discharge them from paying the same to the said Sir Williame or any other in his name till the King shall farther declare his will, under penalty of payment of the said sums to his Highness over again. Holyrood-house. 9th June. Arrestment of money due to Sir William Keith.

Sederunt—Domini ut in die predicto.

Complaint by Johnne Broun, younger of Fordell, against Thomas, Master of Glammis, and certain of his servants, "tuicheing thair cuming to the said Johnnes dwelling hous of Craignethray upoun the xiiii day of Apryle last bipast, bodin in armes, sercheing and seking of himself to have performit sum cruell interpryis aganis him, and als for the violent taking, scurgeing, hounding with doggis and chaissing, of certane of his tenentis, and for sindry utheris crymes specialie mentionat." Both parties appear-
Page 348. ing personally, and the Master of Glammis having denied the charge, the Lords assign to the pursuer the 17th instant for the producing of witnesses, and ordain the Master of Glammis to produce that day, under pain of rebellion, such of the alleged culprits as shall be given to him in bill by the pursuer. Holyrood-house, 10th June. Brown of Fordel against the Master of Glammis.

Caution in £2000 by Andro Ker of Romanno for Williame, Lord Hereis, that he will not harm James Gordoun of Barnbarrauch. Edinburgh, 11th June. Caution for Lord Herries.

Caution in 300 merks by Thomas Broun, burgess of Edinburgh, for Robert Bairinfader, son of the late Adam Bairinfader in Over Stitchell, that he will not harm Jehane Purves, relict of the said Adam, her bairns, or dependents. Caution for Robert Bairnsfather.

Holyrood-house, 12th June.

CONVENTION OF ESTATES. Acta 1589-91.

Sederunt—REX; Cancellarius; Hammiltoun; Marschell; Mar; Mortoun; Lindesay; Seytoun; Boyd; Newbottill; Dingwell; Flemyng; Urquhart; Thesaurarius; Murdocairny; Computorum Rotulator; Clericus Justiciarie; Custos Secreti Sigilli; Clericus Registri; Coldenknowis; Ormistoun; Weddirburne; Alexander Hume de Northberwik; Lundy; Largo; Tullibardin; Barnbarrauch; Magister David Lindesay; Magister Patricius Galloway; Joannes Dunkesoun.—COMMISSIONARII BURGORUM: Joannes Arnot et Alexander Owstiane, pro Edinburgh; Oliverus Peblis, pro Perth; Joannes Finlaysoun, pro Dunde; Magister David Russell, pro Sanctandrois; David Craufurd, pro Air; Magister Joannes Colvile, pro Striveling; Jacobus Andersoun, pro Cowpar in Fyff.

Charge against persons denounced rebels.

Rebels denounced and persons contained in registers of horning to be charged to appear before the Council or Lords Auditors to underlie punishment or get their names deleted. Certain named rebels, inhabitants of the shire of Edinburgh principal and constabulary of Hadingtoun, to be warned to appear before the King and his Council upon 19th inst. to answer and underlie the said order. (Printed in full in Acts of Parl., vol. iii. pp. 524, 525.) Page 349.

Edinburgh, 13th June. Caution for Lauder of Haltoun.

Registration, by Mr Alexander King, as procurator for the parties, of a band of caution in 1000 merks by Alexander Lawder, fiar of Haltoun, for his father, Sir Williame Lawder of Haltoun, that he will not harm Mr James Borthuik of Lochill. Subscribed at Edinburgh, 21st November 1589, before George Lawder, brother to the said Sir Williame, Alexander Lawder in Haithpule, Walter Young in Nortoun, Mr Robert Young, and James Gray. Page 350.

Edinburgh, 15th June. Caution for John Ker and James Thomson.

Caution by Alexander Guthre, fiar of Kincaldrum, for Johnne Ker of Westir Limphoy in 1000 merks, and for James Thomsoun in Eistir Limphoy in 200 merks, that they will not harm James Tenent of the Cairnis.

Caution for William Wishart and others.

Caution to the same effect by Williame Wischert, portioner of Byrno, and Patrik Balfour in Pilmure, as principals, and James Somervile of Humby and Johnne Ker of Limphoy, as sureties for them, and by the said principals and sureties for James Mowbray in Byreno, Andro Wischert there, Johnne Kello in Ravilrig, and Williame Wischert, elder, in Byreno, —the penalty for Patrik Balfour and Johnne Kello to be £500 each, and for each of the others 200 merks.

Edinburgh, 16th June. Caution for Adair of Kinhilt.

Caution in 2000 merks by Niniane Adair, apparent of Kinhilt, as principal, and Thomas M^{c}Clellane of Nontoun, and George Murray, fiar of Brochtoun, as sureties for him, that he will not harm Williame Adair, elder of Kinhilt. Page 351.

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Registration, by James Striveling, as procurator for the parties, of a band of caution in 1000 merks by George Schaw, fiar of Knokhill, as principal, and James Kinros of Kippenros, as surety for him, that the said George shall desist from troubling the tenants of the King's proper lands of Corntoun in the casting and leading of their peats from the part of the moss of Corntoun called Inneraloun-moss, conform to the decree obtained by the said tenants against Williame Schaw of Knokhill (see vol. iii. pp. 175, 192). Subscribed at Dunblane, 8th June, before James Kinros, fiar of Kippenros, Mr Alexander Kinros, Johnne Kinros, brothers to the said James, and Mr Malcolme Hendirsoun, minister at Kilmadok. Band for George Shaw of Knockhill.

Registration, by the same procurator of a band by which Sir Archibald Striviling of Keir becomes bound as principal, and Johnne Murray of Touchadam as surety for him, in 1000 merks, and also the said principal and surety become cautioners for Donald and James Wrichtis, tenants in Inneralloun, either of them in £100, that the principal and his said tenants will not molest the foresaid tenants of Corntoun in their leading of peats, conform to a decree obtained against the late Sir James Striveling of Keir (see vol. iii. pp. 192, 193). Subscribed at Keir, 8th June, before Walter Lekky of that Ilk, George Muschet of that Ilk, Williame Striveling of Law, Mr Williame Striveling, parson of Abirfule, and James Striveling of Anchule. Band for Sir Archibald Stirling of Keir.

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Sederunt—Rex; Cancellarius; Hammiltoun; Mar; Mortoun; Newbottill; Murdocairny; Computorum Rotulator; Collector; Clericus Registri; Clericus Justiciarie; Custos Secreti Sigilli; Advocatus; Colluthy. Holyrood-house. 19th June.

Complaint by Johnne Broun, younger of Fordell:—He is heritably infeft in the lands of Craignethray in the shire of Forfair, and he and his predecessors have been in the peaceable possession of "pasturing, casting of faill and devett" upon the common moor of Forfair, called the King's moor, past the memory of man. But, upon 11th April last, Thomas, Master of Glammis, "upoun sum pretendit titill unknawin to the said Johnne Broun," had come, "be his grevis and servandis in his name," to the said moor, and "violentlie drave his tenentis gudis to ane fauld biggit be the said Maister upoun the said commontie: out of the quhilk fauld Mr Robert Broun, broder to the said Johnne, for keping of his auld use and possessioun, tuke the saidis gudis; and, for this caus allanerlie and na uther, the said Thomas, consaving ane hivy displeasour aganis the said Johnne Broun, upoun the xiiii day of the said moneth, bodin in feir of weir, with jakkis, speiris, pistolettis, steilbonettis and utheris wappynnis invasive, accumpaneit with the nowmer of thre scoir personis, come to the said Johnnes dwelling hous of Craignethray, he being absent for the tyme, and thair, having pistolettis in thair handis, sercheit the haill houssis, kaist ower beddis and rypit all pairtis sa narrowlie as thay could, and, his wyff being greit with barne and in feir, come in to the yaird with thair pistolettis in thair handis, and sa terrifeit Continued case of Brown of Fordel against the Master of Glammis: further details of the story.

hir that scho is yit in dangeare of hir lyff; and, persaving that thay could not have him to have performit thair cruell interpryis, thay maisterfullie and perforce tuke Adam Brounhill, William Sterling, Robert and Richert Boutcheris, James Lyell, George Symsoun, to the fauld foirsaid, causit with wappynnis hald bak thair wyffis that thay sould not lament for thair husbandis, and thaireftir immediatlie tirrit thame within the said fauld, geving thame mony despytefull wordis, and, eftir thay wer tirrit to thair sarkis, scurgeit, houndit with doggis, and chaissit fyve of thame fra the said fauld for the space of half ane myle, with sic cryis and exclamatioun that sindry nychtbouris of the tounis nixt adjacent, hering the samyn, come and wer behaldaris of that pitiefull spectakill. And, nocht content heirwith, the saidis puyr men, eftir thay wer cum to thair houssis, the said Maister returnit to thame, and inhibit thame, under the pane of hoching of thameselffis and thair guidis, that thay nayther put plewch nor harrow thaireftir upoun the said Johnnes propir heretage of Craignethray. Lyke as, Alexander Guthre of Kincaldrum wes sent be the said Maister unto the said Johnnes wyff at the same tyme to assuir hir of the samyn. For verificatioun heirof, the said Maisteris servandis in his name, within four dayis thaireftir, come and lowsit the said Johnnes tenantis harrowis, certifeing thame that, gif thay yokkit agane, thay had command to hoch bayth men and gudis. And, nochtwithstanding all thir unsufferabill wrangis, the said Maister persisting yit in his formair malice, Johnne Guthre, ane of his greiffis, upoun the xxvi day of the said moneth of Apryle, come to the hous of Gilbert Boutcheour, tenent to the said Johnne Broun, and thair perforce brak up his durris and drave out his gudis; lyke as alsua cruellie with battownis dang Adam Brounhill, ane uther of his tenentis."—The charge having been denied by the Master of Glammis, the Lords had admitted the same to the probation of the complainer (*ante*, p. 489); and now, the depositions of witnesses for the pursuers and the declaration of some persons alleged to have committed the said crimes having been heard and considered, the Lords assoilzie the said Master from the said complaint in so far as the crimes foirsaid are alleged to be done by him or at his instance, without prejudice to the said Johnne Broun to pursue the actual culprits before the King and Council or before the proper judges.

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Caution for James and John Tennant.

Caution by Alexander Horsburgh, fiar of that Ilk, and James Lawsoun of Carnemure, for James Tenent, elder of Cairnis, in £1000, and for Johnne Tenent, younger of Cairnis, in £500, that they will not harm Johnne Ker of Barnhillis or James Thomsoun in Eistir Limphoy. Also caution by the same persons in 1000 merks for the said James, and in 500 merks for the said Johnne, that they will not harm William Wardlaw of Ricartoun, Williame Wischert in Byreno, James Mowbray there, Andro Wischert there, Johnne Kello in Revelrig, or Patrik Balfour there.

Caution for Cockburn of Chouslie.

Registration, by Mr David Makgill, younger, advocate, as procurator for the surety, of a band of caution in 500 merks by James Douglas, fiar of Spott, for Williame Cokburne of (Chouslie) Schouslie, that he will not

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harm Williame Reidpeth of Girnlaw. Subscribed at Edinburgh, 20th June, before Johnne Makgill, servitor to the said Mr David, George Dowglas, servitor to the said James, and Andro Dalrimpill, notary public.

Edinburgh, 22nd June. Caution for the Commendator of Soulseat.

Caution by Williame Maxwell, fiar of Tynwell, and Robert Douglas of Caschogill, for Johnne Johnnstoun, Commendator of Saulsett, in 1000 merks, and for Symon Johnnstoun, his brother, and Mr Williame Johnnstoun, his brother-son, each in £500, that they will not harm Johnne Kennedy of Carlok,—the said Commendator and Mr Williame, and Niniane Adair, elder of Kinhilt, becoming sureties in relief.

Caution for Robert Williamson.

Caution in 500 merks by George Spens in Auldlistoun for Robert Williamesoun in Scottistoun, that he will not harm Thomas Cunynghame, son of James Cunynghame in Newtoun.

Caution for James Christie and others.

Caution by Mr Johnne Provand, burgess of Edinburgh, and Johnne Robertsoun, flesher, burgess of the same, for James Cristie in Cornetoun, Robert Hendirsoun there, David Hynd *alias* Aesoun there, Johnne Cristie there, Malcolme Cristie there, James Gaw there, Johnne Kemp there, and Thomas Young there, in 300 merks each, that Sir Archibald Stirling of Keir, Donald and James Wrichtis, his tenants, George Shaw, apparent of Knokhill, and Johnne Richie, his tenant, shall be harmless of the persons foresaid,—the said principals, and Williame Murray, valet of the King's chamber, becoming sureties in relief.

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Edinburgh, 23rd June. Caution for John Murray of Blackbarony.

Caution by Nicol Carnecroce of Calfhill for Johnne Murray of Blakbarony, that, as surety for Sir Walter Scott of Branxholme, he shall pay to Sir Johnne Seytoun, sometime comptroller of the maills and duties of Ettrik Forrest, "quhatsumevir yeiris restand awand preceding the xv day of December 1587," in case it shall be found he ought.

Caution for Philip Thomson.

Caution in 500 merks by Williame Thomesoun, portioner of Pardoven, for Philp Thomesoun in Pardoven, that he will not harm Thomas Cunynghame, son of James Cunynghame in Newtoun.

Holyrood-house, 24th June.

Sederunt—REX; Cancellarius; Mortoun; Thesaurarius; Clericus Justiciarie; Murdocairny; Blantyre; Computorum Rotulator; Collector; Ormestoun; Magister Alexander Lindsay.

To denounce John Walker for not answering to a charge of William Forbes and others: smouldering of the feud between the Forbeses and the Gordons.

Complaint by George Mar at the Myln of Ithsyre and Johnne Moir in the Newsett of Tolquhone, tenants to Williame Forbes of Tolquhone, and by the said Williame, their master, for his interest, as follows:—It is "notourlie knawne to the haill cuntrey quhair the said Williame dwellis" how loyally he has behaved himself, and how, "for eshewing of all occasionis tending to the renovating or rememberance of the troublis betuix the surenames of Gordoun and Forbes," he has not only kept his tenants and servants under obedience of the laws, but has also, with sindry of his friends, "patientlie comportit" with several heinous offences from the Gordons, such as the pursuit and cruel wounding of Patrik Reid and

Johnne Forbes, his tenants, upon a Sunday, in time of sermon and at a general fast, by Robert Birny in Braklaw, and James Birny in Tarves, servants to James Gordoun of Haddo, the said Williame being then absent in Edinburgh. This, with such other injuries as the "steilling and awaytaking of his cornis" by the said Robert and James from the lands of Mekle Ithsyre and "casting of the same in the watter," had been done "purpoislie to move the said Williame to entir in quarrell and contraversie with thame, that thairby sum occasioun micht be offerrit to bring on sum forder inconvenientis betuix him and the said James Gordoun of Haddo, thair maister, and consequentlie betuix the haill surename of Gordoun and Forbes." Perceiving, however, that he "could not be moved throw thair misbehaviour to do or attempt onything quhairupoun trouble mycht ensew," the said Robert and James had, in April last, upon Palm Sunday, "houndit oute Johnne Walker, thair servand, ane wicked and licentious persone, to persew the said George Mar of his lyffe"; on which occasion the said Johnne, "finding the said George passing in peceable and quiet maner, without armour, fra the kirk to his awne duelling hous," had most shamefully wounded him "with ane bandit staff in the flank," and would have slain him in his "barbarous rage" had he not been prevented by certain neighbours. Then the said Robert and James, seeing that George Mar had escaped from Walcair, "convocat unto thameselffis ane grite nowmer of personis bodin in feir of weir, and maist shamefullie invadit and persewit the said Johnne [? George] Mar of his lyffe, gave him twa bludie straikis in the heid and utheris straikis in divers pairtis of his body." The said Williame Forbes, the complainer, might have repaired these injuries "with the lyke or greitair," but had forborne out of respect to the King and his authority.—The pursuers appearing by Mr James Forbes, son of the said Williame, but the said Johnne Walcair not appearing to the summons sent him, the order is to denounce him rebel.

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Act in favour of the Constable of Dundee, who has been threatened with an action by Graham of Fintry.

Supplication by James Skryngeour of Dudop, constable of Dundee, as follows:—When, in 1589, the King "past to the feildis in propir persone to repres certane tressonable conspiraceis interprisit be divers of the nobilitie at the Brig of Dee," his Majesty and the Council had, by the way, "thocht it expedient to charge sindrie personis suspect gilty of the said conspiracie to deliver thair houssis, and to committ the custodie of thame to sum of his Hienes subjectis present with his Majestie for the tyme." Thus, the fortalice of the Manis, belonging to David Graham of Fintrey, suspected to be one of the conspirators, had been committed to the petitioner, who had kept the same till his Majesty's departure to Denmark. But, while the King was abroad, Frances, Earl Bothuill, and James, Earl of Murray, claiming to have received right to the said house from the said David Grahame, had directed certain messengers to the constable requiring delivery of the same to the Earl Bothuill. For "eshewing of a inconvenient threatnit," and for "intertenying of peax and quietnes in the cuntrey," the constable had delivered the house to Captain Halkerstoun in the said Earl's name, upon promise that the Earl

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should send him a sufficient warrant of the Council to this effect, or should deliver the keys again into his hands within a certain time thereafter, the house not to be entered in till one or other were done. Nevertheless, the said Earls of Bothwell and Murray had, "undir silence of nicht," entered immediately thereafter into the said place, which has been ever since occupied by the said David Grahame; and now, although the petitioner, through the whole transaction, had done nothing "bot that quhilk tendit to his Hienes honnour, obedience and commounweill, and quietnes of the cuntrey, without respect to his awne proffeit," the said David Grahame has lately raised an action of spuilyie against him, "as thocht he had violentlie intrusit himselff in the said place." He petitions for remedy.—The Lords, having considered the petition, decern that the keeping of the said fortalice by the petitioner and his delivery thereof to the said Captain shall be esteemed good service to his Majesty, and therefore discharge him of all action of spuilyie on that account.

To denounce John and Charles Tweedie for not appearing to a charge of having slaughtered Patrick Veitch near Peebles.

Complaint of Williame Veche of Dawik, father, Johnne and Williame Vecheis, brothers, and the remanent kin, of the late Patrik Veche:— Upon 16th June instant, the said late Patrik being in the burgh of Peblis "doing his lesum erandis," James Tuedy of Drummelzeair, Johnne Tuedy, his brother, Adam Tuedy of Dreva, John Tuedy, tutor of Drummelzeair, Charlis Tuedy, "the bastard," Williame Tuedy of the Wra, Johnne Creichtoun of Quarter, Andro Creichtoun in Cordone, and Thomas Porteous of Glenkirk, who had before conceived "causles and deidlie haitrent" against the said Patrik, had, "in end, eftir consultatioun,"

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divided themselves in two companies; "and, eftir that the ane cumpany had sufferrit him to pas by thame towardis the place of Dawik, quhairunto he wes myndit to repair, thay discoverit thameselffis and schairplie followit and persewit him, and at last, at the bak end of the Neidpeth, quhair the uther cumpanie lay dernit, thay sett on him, and with swerdis and pistolettis cruellie and unmercifullie slew him." Such an outrage on his Majesty's late proclamation of his "godlie and gude intentioun anent the reformatioun of abuses and disordouris amangis all esteatis of personis" ought not to remain unpunished, the rather because it was perpetrated in "the present tyme of the strangearis being with his Majestie," and because it is "the first that hes bene committit sen his Majesteis hamecuming."—Johnne Tuedy, brother of James Tuedie of Drummelzeair, and Charlis Tuedy, called the Bastard, having been charged to appear and answer, but not appearing, while the said Williame Veche of Dawik, and Johnne and Williame Vecheis, appear personally, the order is to denounce Johnne and Charles rebels.

To denounce Patrick Leslie for not answering a charge of Douglas of Pittendreich,

Complaint by Archibald Douglas of Pendreich that, upon 30th January last, Patrik Leslie, brother of Robert Leslie of Kynnynwy, with accomplices to the number of 40 persons, "all bodin in feir of weir," had come to his place of Darklein in the shire of Elgin and Fores, and there not only spuilyied all the goods on his lands, but afterwards "shamefullie band" James Chalmer, his servant, hand and foot, and "straik and dang

him, and causit him sweir to leave the occupatioun of the saidis landis," intending by this oppression to debar the complainer from his own.—The complainer appearing by James Douglas, fiar of Spott, his procurator, the said Patrik, for not appearing, is to be denounced rebel. Acta 1589-91.

Suspension of letters of horning against the Earl of Huntly.

Complaint by George, Earl of Huntlie, as follows:—Sir Thomas Lyoun of Baldukie, treasurer, Sir Robert Melvill of Murdocairny, treasurer-depute, Dame Elizabeth Stewart, Countess of Murray, and James, Earl of Murray, her spouse, for his interest,—alleging that the said George had, upon 5th March last, been put to the horn at the instance of the said Elizabeth and her spouse, for not desisting from "all entering and putting of coblis, currokis and nettis upoun the watter of Inverspay and fischeingis thairof," and for molesting them in "thair twa pairt coblis fisheing, currokis and nettis fisheing of the said watter," and alleging also that the said Earl remained at the horn,—had charged him to deliver his castles and enter in ward in the Castle of Blaknes, there to remain till duly relaxed, under pain of treason. Now, the complainer contends, the said letters of treason have been wrongfully executed, inasmuch as he had obeyed the command of the former letters of horning, by having "past personalie to the shoir or wattersyde of the said fisheing," and there "causit draw his coblis fra the said watter, and dischargeit his fishearis of ony forder fisheing with the said coble, nett or currokis." He had accordingly been relaxed from the horn, as the relaxation shown to the Council bears. The letters of treason ought therefore to be suspended *simpliciter*.—The Earl of Huntley appearing by Mr David Aytoun, his procurator, but none of the defenders appearing, the Lords do suspend the letters of treason. Page 359.

Caution for Tweedie of Drumelyier, and other Tweedies.

Caution in £20,000 by Alexander, Lord Hume, and Somervile of Plane, for James Tuedy of Drummelzeair, and the other persons accused of the slaughter of Patrik Veche (*ante*, p. 495), "and that upoun thair awne free and voluntarie offer," made in presence of the King and his Council, that they shall find surety to keep ward in Edinburgh till "thay be tryit foule or clene" of the said crime, and that they shall present themselves before the Justice in the tolbooth of Edinburgh at a day to be appointed. Page 360

Caution for Veitch of Dawick and his sons.

Caution in 5000 merks by Johnne, Lord Fleming, for Williame Veche of Dawik, and his sons Johnne and Williame, that they shall raise and execute letters charging the above mentioned Tweedies, alleged perpetrators of the slaughter of Patrik Veche, to find surety to underlie the law therefor before the Justice in the tolbooth of Edinburgh before 20th July next, and that they will insist in the pursuit of the said persons to the uttermost.

Caution for Lord Fleming.

Caution in 10,000 merks by Johnne Murray of Tullibardin for Johnne, Lord Fleming, that the said alleged committers of the said slaughter shall be harmless of the said Lord till 20th July next. Page 361.

Edinburgh, 25th June.

Caution for Veitch of Dawick and his sons.

Caution in 5000 merks by Michael Nasmyth of Posso, Mr Thomas Nasmyth, his son and apparent heir, William Veche of Kingsyde, and

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Williame Veche, his son and apparent heir, for Williame Veche of Dawik and his two sons, John and William, that the said alleged murderers shall be harmless of them till 20th July,—John Andro, Clerk of Council, subscribing for Williame Veche of Kingsyde.

Caution for Philip Wilson.

Caution in 500 merks by David Dundas of Preistisinche for Philp Wilsoun in the Bynnis, that he will not harm Thomas Cunynghame, son of James Cunynghame in Newtoun.

Caution for David Miller.

Caution in 500 merks by Robert Leslie of Finressie for David Myller at the Myln of Pitconnochy, called the Den Myln, that he will not harm Johnne Monro of Pitconnochy, or Donald M^{c}Hucheoun, his tenant.

Caution for Wallace of Nether Collane.

Caution in 500 merks by William Ogilvy in Bolgay, portioner of Clene, and James Broun of the Horne, for Thomas Wallace of Nethir Collane, that he will not harm Andro Mersair, burgess of Perth, Williame Mersair, his son, Gilbert Fildie in Innerbus, Alexander Blair there, Gray, son of the late Gray there, or Gilbert Walker there, all heritable feuars of the lands of Innerbus.

Holyrood-house, 26th June.

Sederunt—Rex; Dux Lennocie; Cancellarius; Mar; Magister de Glammis; Neubottle; Clericus Justiciarie; Coldenknowis; Murdocairny; Blantyre; Computorum Rotulator; Advocatus; Magister Petrus Young.

Lord Forbes against the Master of Forbes.

Complaint by Williame, Lord Forbes, against Johnne, Master of Forbes, his son, "tuicheing the taking and detening of the said Williame, his fader, as prisonair and captive in ane chalmer within the place of Drummynnour, strykeing and hurteing of him upoun the heid with the plummett of ane swerd."—The complainer appearing by Robert, Commendator of Monymusk, and James Forbes of Fechell, his sons, and the Master appearing personally, it is affirmed by the latter that the said Lord, his father, was not detained prisoner within the said place against his will, but might repair where he pleased. The King and Council, therefore, admit this part of the complaint to the Master's probation, and the other part thereof "anent the stryking of him" to the said Lord's probation, assigning to both the 1st August for their proofs; and in the meantime they ordain the living and place of Drummynnour, with the writs, evidents and debts, to be kept by Williame Forbes of Tolquhone, George Johnnstoun of Caskyben, and Williame Forbes of Cors,—who are also required to "bring and convoy" Lord Forbes to Edinburgh against the appointed 1st of August "giff it be his awne plesure to travell," or otherwise to "mak trew reporte to his Hienes and Counsaill upoun the same day of all thingis presentlie questionable betuix him and his said sone." The said Master, the Commendator, and James Forbes are to have access to Lord Forbes at such times only as the said Lairds of Tolquhone, Caskyben, and Cors "sall think meit and convenient."

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Caution for Cornelius Cuthbert.

Caution in £500 by Andro Cuthbert, burgess of Edinburgh, for Cornelius Cuthbert, his son, that he will not harm James M^{c}Cartnay, son

of James M°Cartnay, writer,—Johnne Andro subscribing for Andro, "becaus I can not wryte." Acta 1589-91.

Caution for Strachan of Balhousie and others.

Registration, by Mr Johnne Moncreiff, advocate, as procurator for the surety, of a band of caution by Thomas Maull of Panmure for Robert Strauchane of Balhussy, Thomas Maull of Murdrum, and David Maull, younger of Boith, in £500 each, that James Strauchane of Carmylie, Thomas Strauchane, his "greif," and Williame Lawsoun, officer, shall be harmless of the said persons. Subscribed at Panmure, 23rd June, before Henry Maull in Suyne, Henry Kyde, and Williame Kyde. Page 363.

Caution for Andrew and William Mercer and others.

Registration, by Johnne Haliday, advocate, as procurator for the sureties, of a band whereby Olipheir Peblis of Chappelhill, and Dioneis Blaikwode, burgess of Perth, become sureties and lawburrows for Andro and Williame Mersairis in Walkmylne, in £500 each, and for Patrik Coupair in Innerbus, Alexander Blair there, Patrik Alisoun there, Patrik Gray there, Gilbert and James Fitdeis there, Johnne Walcair there, Johnne Sym in Walkmylne, Patrik Crambie there, and David Said there, in 300 merks each, that Thomas Wallace, son of the late Robert Wallace of Nethir Collane, shall be harmless of the said persons, conform to the charge given by Williame Robertsoun, messenger. Subscribed at Perth, 25th June, before Williame Mershael, messenger, Olipheir Peblis, younger, Alexander Leis, son of Henry Leis, Andro Moncreiff, baxter, burgess of Perth, and Alexander Gibsoun, notary public.

Edinburgh, 27th June. Caution for William Herbertson.

Caution in £500 by Williame (Allane ?) Harbertsoun, burgess of Edinburgh, as principal, and Gilbert Laidislaw (Aidislaw ?), "walker," and Adam Montgomerie, burgesses of Edinburgh, as sureties for him, that he will not harm James M°Cairtnay, son of James M°Cairtnay, writer,—James Justice, notary public, subscribing for the principal and sureties, "becaus we cannocht write our selffis." Page 364.

Caution for James and Andrew Miller.

Caution by David Torry, burgess of Elgin, for James Myller, brother of David Myller at Dean Myln, and Andro Myller of Killene, either of them in 200 merks, that they will not harm Johnne Monro of Pitconnochy, or Donald M°Hucheoun, his servant,—John Andro subscribing for Torry, "becaus I can not write."

Caution for Strachan of Balhousie.

Caution in £500 by Robert Strauchane of Balhoussy, as principal, and Williame Wod of Lawtoun, as surety for him, that he will not harm Patrik Maull, fiar of Panmure, Henry Gray in Firth, or David Mudie, officer.

Caution for John Horn.

Caution in £500 by Johnne Lamb, burgess of Edinburgh, for Johnne Horne, skinner, that he will not harm the above named James M°Kairtnay.

Edinburgh, 29th June. Caution for James Buchanan and others.

Caution by Johnne Halden of Glennegeis for James Buchquhannane in Fynneith, M°Ilquhome there, and Darleith there, in £500 each, that Williame Logane in Auchingilyeane, Johnne Maclun, James M°indo, Johnne Fleming, James Grahame, Gilbert Waer, Johnne Douglas, James Henry, M°indo, and Johnne Buquhannane, tenants of Johnne,

Acta 1589-91. Earl of Montrois, in his lands of Culmannane, Auchingilyeane, Auchinhedene, Cunyielat, Ladleane, and Eister and Wester Carlistoun, shall be harmless of the said persons.

Caution by James Strauchane of Carmylie, as principal, and Patrik Strauchane of Auchlair, as surety for him, and by the said persons as sureties for Patrik Maull, fiar of Panmure, in £500 either of them, that Thomas Maull in Muredrum shall be harmless of them. Caution for Strachan of Carmylie.

Page 365. Caution in 1000 merks by Andro Ker of Romanno-grange for Williame, Lord Hereis, that he shall enter Richie Hereis in Barnbarrauch before the Council when required, in case it be found that he is obliged for his entry by the general band. Caution for Lord Herries.

Caution by James Strauchane of Carmylie, as principal, and Patrik Strauchane of Auchlair, as surety for him, and also by the said James and Patrik for Patrik Maull, fiar of Panmure, Patrik Strauchane, brother of the said James, and Andro Jamesoun in Chappeltoun, that Andro Maull, portioner of Skrynie, shall be harmless of the said James and Patrik (fiar) under a penalty of £500 either of them, and of the said Patrik and Andro, either of them under the pain of 300 merks. Caution for Strachan of Carmylie and others.

Caution by the same principal and same surety for him, and by both as sureties for Patrik Maull, fiar of Panmure, and James Kaird (Caird) in Glaster, that Robert Strauchane of Balhoussy shall be harmless of the said principal and Patrik, either in £500, and of the said James in 300 merks. Caution for Strachan and others.

Registration, by Mr Johnne Moncreiff, advocate, as procurator for the sureties, of a band of caution in 5000 merks by David, Earl of Craufurd, Hary Lindsay of Carrestoun, and David Lindsay of Barneyairdis, for the provost, bailies, council and inhabitants of the burgh of Forfair, that the Band for the inhabitants of Forfar.

Page 366. servants and tenants of the lands of Sir Thomas Lyoun of Auldbar shall be harmless of the inhabitants of the said burgh. Subscribed at Fynnevin and Edinburgh, 27th and 28th June, before David Lindsay of Kynnettillis, Mr Johnne Lindsay, master of the school of Brechin, Alexander Lindsay in Ardy, and Johnne Traill, notary public.

Edinburgh, 30th June

Caution by Robert Dury, fiar of that Ilk, for David Maull of Both, elder, and David Maull, younger of the same, in £500 each, that they will not harm Patrik Maull of Panmure, Henry Gray in Firth, or David Mudy, officer,—Mr Henry Balfour, advocate, becoming cautioner in relief. Caution for David Maule and his son.

Caution by Johnne Bruce of Auchinbuy for Johnne Thomesoun in Belliclone, that he will not harm George Bruce in Wester Craig, under the pain contained in the King's letters raised by the said George against the said Thomesoun. Caution for John Thomson.

Caution in £500 by Johnne Boiswall, son of Johnne Boiswall of Baglelie, for Henry Maull, portioner of Skryne, that he will not harm Patrik Maull, fiar of Panmure, Henry Gray in Firth, or David Mudy, officer. Caution for Henry Maule.

Caution in 300 merks by the said Johnne Boiswaill for the said Henry Maull, that he will not harm James Strauchane of Carmylie, Thomas Strauchane, his "mure greiff," or Williame Lousoun, officer. Caution for Henry Maule.

Edinburgh, 1st July.

Sederunt—REX; DUX; Cancellarius; Mar; Thesaurarius; Newbottill; Coldenknowis; Blantyre; Clericus Justiciarie; Clericus Registri; Murdocairny; Computorum Rotulator; Collector; Advocatus. Acta 1589-91. Page 367.

Act anent Mr James Gibson, sometime minister at Pencaitland.

"The quhilk day, in presens of the Kingis Majestie and Lordis of Secreit Counsall, comperit, for the maist part, the ministerie of Edinburgh and presbitery of Dalkeyth, according to the charge gevin thame to the same effect; and, thay being inquirit and fund fault with for the breking and contravening of the Act of the Generall Assemblie of the Kirk, in suffering of James Gibsoun, sumtyme minister at Pencaitland, to preche within the kirkis of Edinburgh and Dalkeyth, expres contrair the tennour of the same Act and thair awin promeis maid to his Majestie befoir thair [sic] depairting furth of this realme, it wes ansuerit be Mr Robert Bruce, for himself and in name of his brethrene of the ministerie of Edinburgh, that thay supponit all thir thingis had bene bureit be his Hienes, and, gif thay had understand that ayther his Majestie had bene offendit, or yit that the said Act had bene extendit forder nor quhill he had purgeit his contumacie, thay wald not have sufferit him to have precheit quhill he had satisfeit his Majestie and fulfillit the haill tennour and effect of the same Act. Page 368. Lyke as it wes allegeit for the said presbitery of Dalkeyth be Maister David Lindesay, ane of the same nowmer, that thay supponit that the said James, be purgeing of his contumacie, had satisfeit the said Act; and, in sa far as it is forder extendit, quhairof he allegeit thay wer ignorant for the tyme, thay confessit that thay had offendit his Majestie and contravenit the tennour and effect of the same Act, and thairfoir become altogidder in his Majesteis will for the samyn. The Kingis Majestie hes acceptit and allowit, and be thir presentis acceptis and allowis, of the ansuer maid be the said Mr Robert Bruce for himself and in name of the rest of the said ministerie of Edinburgh; and, attour, remittis and pardonis the said presbitery of Dalkeyth of thair offence foirsaid confessit in maner abonewrittin, declaring that thay sall not be querrellit nor persewit thairfoir at ony tyme heireftir, providing that thay caus the said James Gibsoun be callit and summondit to compeir befoir thame in thair nixt assemble, quhilk thay undertuke and promeist to do, and forder to charge him to satisfie his Majestie for the sklanderous offens committit be him aganis his Hienes, and in the menetyme not to use ony functioun in the ministerie quhill the same be done, under the pane of excommunicatioun; and, in cais of his refuis of the ane or doing in the contrair of the uther, to proceid and pronunce the said sentence aganis him. Attour, his Majestie and the saidis Lordis, with advise of the saidis ministerie and presbitery foirsaidis, declaris alsua be thir presentis the said James, in respect of his continewance in his obstinacie and wilfulnes, to stand presentlie suspendit frome all spirituall functioun, and to be as a civile man not of thair nowmer, subject to his Hienes lawis for the foirsaid offence and utheris quhatsumevir committit be him as ony uther prevat persoun, and that his comperance befoir the Generall Assemble sensyne purgeis him not of the haill

Acta 1589–91. caussis expressit in the said Act for the quhilk he wes suspendit as said is; nayther sall the said suspensioun ony wayis be dischargeit quhill the same Act be fulfillit and satisfeit be him in all pointis according to the tennour thairof."[1]

Ordinance anent those who had rebelled at the Brig of Dee.

"Forasmeikill as the Kingis Majestie, with advise of the Lordis of his Secreit Counsall, hes thocht gude to signifie and declair to all his gude subjectis and utheris quhome it efferis that, as his Hienes, of his awin fre mercy and grace, hes extendit his clemencie and favour to a greit nowmer of personis quhilkis maid defectioun and tuke armes aganis his Majestie and his authoritie at the Brig of Dee in the moneth of Apryle, the year of God j^{m}v^{c}lxxxix yeiris, evinsa his Majestie nawayis intendis to enter in querrelling or persute of ony of thame quhilkis ayther hes ressavit his Hienes remissioun, respett or uther pardoun, be word or writt, for the said crime, or that reparit or sall repair to his Majesteis presens and ressavit or sall ressave his Hienes gude countenance (thay being requirit, be his Majesteis missive letters or utherwayis be his chargeis, allowance or knawlege, to repair to his Hienes to the burgh of Edinburgh, or to quhatsumevir pairt quhair his Hienes hes bene or sal happin to be for the tyme), for ony thing depending upoun the said actioun preceding the tyme of the granting of the said pardoun, presens and countenance, bot to use this commoun and indifferent ordour to thame all, namelie that thay salbe ansuerabill and abyde tryell, befoir his Majestie and sic of his Counsall or utheris as his Hienes sall think meit to nominat and appoint, for all thingis done be thame sensyne to the troubling of his Hienes estate and the religioun presentlie profest within this realme, and sall compeir befoir the presbitery of Edinburgh, or utheris as lykewyis salbe appointit be his Hienes, at all tymes as thay salbe requirit, and reconcile thameselffis to the Kirk, be acknawlegeing of thair offens committit aganis God and his Majestie in maner foirsaid, and
Page 369.
submitting of thameselffis to the discipline thairof; and that thay, in lyke maner, sall obey, underly and follow furth that ordour and directioun for his Majesteis honnour, the quiet setling of the present estate, suretie of the religioun, and thair gude behaviour heireftir, as be his Majestie alsua salbe prescrivit; and, in speciall, that thay sall do nor attempt nathing to the hurt or prejudice of his Majestie, the present estate, nor the said trew

[1] For the original offence of Gibson, and dealings with him on that account, as long ago as 1586, see *ante*, pp. 40, 107, 144. The offence had rankled with more than usual bitterness in the King's memory; he had never ceased to press for censure upon it by the Church Courts; and there had, consequently, been a good deal of discussion of it in the intermediate General Assemblies, with a feeling, on the one hand, that Gibson had but asserted that liberty of the pulpit which all the Presbyterian clergy claimed, but, on the other hand, that his words had been injudicious and unnecessarily irritating. In the Assembly of February 1587-88, at the instance of Chancellor Maitland, though not without reluctance, sentence of suspension from the ministry had been passed upon him, less on account of the offence itself than on account of his contumacy in not appearing at the last moment to apologise publicly; but in the following General Assembly of August 1588 he had, on due appearance and explanation, been "purged of his contumacie." The Edinburgh clergy and the presbytery of Dalkeith, it appears, had construed this "purgation" as equivalent to a repeal of his previous suspension; and, during the King's absence, Gibson had been again preaching busily in and round Edinburgh. Hence the King's present complaint.

religioun in tyme cuming, under certane pecuniall panis to be modifeit be his Hienes and the saidis Lordis, according to ane Act and ordinance maid be thame at thair being in Abirdene in the moneth of Julii last bipast [*cf. ante*, pp. 375–80]. Quhilk Act thay ratifie and approve in all pointis, and ordanis letters to be direct to that effect als oft as neid beis; as alsua to mak publicatioun of the premissis at all mercat croces, quhairthrow nane pretend ignorance of the samyn." Acta 1589-91.

Caution for Andrew Maule.

Caution by Walter Rollok of Pitmeddy in £500 for Andro Maull, portioner of Skryne, that he will not harm James Strauchane of Carmylie, Thomas Strauchane, his "greif," Williame Lowsoun, officer, Patrik Maull, fiar of Panmure, Henry Gray in Firth, or David Mudy, officer.

Caution for David Maule and his son.

Caution by Robert Dury, fiar of that Ilk, for David Maull, elder of Both, and David Maull, younger, his son, in £500 either of them, that they will not harm the first three of the above-named.

Edinburgh, 3rd July.

Sederunt—Cancellarius; Thesaurarius; Custos Secreti Sigilli; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Murdocairny; Advocatus.

Decree against Lord Somerville.

Suit of Sir Thomas Lyoun of Balduky, treasurer, Sir Robert Melvile of Murdocairny, his depute, and Mr David Makgill of Neisbit, advocate, against Hew, Lord Somervile:—The said Lord, having been lately called before the Council for remaining at the process of horn led against him by the collector, bedesmen, and hospitallers of Sanct Marie Magdalen, for not paying to them a certain sum of money, had appeared upon 20th June last and had been commanded, under a penalty of 5000 merks, to remain in ward in Edinburgh till he had obtained his relaxation, satisfied the said depute for his escheat, and been thereafter freed by his Highness. As he has departed from Edinburgh without having fulfilled any of the said conditions, their Lordships are requested to declare that he has "incurrit the said pane of v^{m} merkis."—The pursuers appearing personally, but the respondent failing to appear, the Lords decern as requested, and ordain letters to issue for uplifting the said sum. Page 370.

To denounce John Peebles for not answering to a charge of Andrew Hewat, burgess of Peebles.

Complaint by Petir Hewat, writer to the signet, and Andro Hewat, burgess of Peblis, as follows:—The said Andro had had "ane kyndlie steding of the landis of Fairnyhauch and Bordehauch within the barony of Newlandis, as tenant thairof to umquhile James, Erll of Mortoun"; but Johnne, Lord Maxwell, having obtained infeftment of the said lands and barony after the forfaulture of that Earl, had "usit warning on the said Andro and haill remanent tenentis thairof to remove thairfra." The tenants being thus constrained either to remove or else to pay such large sums for grassum and entry as they could not pay without selling their "titill and kyndnes thairof upoun sic strict and hard conditionis as could be for the tyme aggreit upoun," the said Andro had first applied to Johnne Tod, burgess of Peblis, in December 1584, and had "be plane commoning" finally agreed to sell him his kindness foresaid for a certain

Acta 1589-91. sum,—reserving, however, to himself and his wife, during their lives, two acres of croft land of the said steading, "togidder with sa mekill in the outfeild thairof as wald be the sawing of four bollis aittis, with four sowmes pasturing and gersing." But, soon afterwards, Johnne Peblis, merchant in Peblis, brother-in-law to the said Johnne Tod, "persaving that
Page 371. the said Andro had enterit in appointment with him towart the dispositioun of his titill and kyndnes of the said steding," had come to him "offering mair thairfoir than the said Johnne, his gude brother, had offerit"; and, "be his craftie instigatioun and instant persuasioun," the said Andro had entered into contract with him, disponing to him his title and kindness foresaid, with the special and express reservation above mentioned, as the said contract, registered in the commissary books of Edinburgh, at more length purports. Accordingly, the said Andro had entered peaceably into the lands reserved to him in the contract by tilling the beir land thereof in April 1585, trusting to occupy the same without any impediment. Nevertheless, in the April and May following, Peblis and his accomplices not only violently broke the said Andro's ploughs and harrows, then labouring the said ground, and assaulted his servants, but then and often since had sought him for his slaughter, "sayand, with oppin wordis, 'Let se gif that he, or ony that will do for him, dar cum in that ground.'" Further, after such manifest oppression, the said Peblis, "gaying about be all indirect and wrangus meanys to cullour the samyn on his maner," had "causit get letters in the four formes, quhilkis wer execute aganis the said Andro and remanent tenentis at the instance of the said Lord Maxwell, and thairby privatlie and maist wranguslie causit put him to the horne, and thaireftir causit purches the gift of his escheit at the handis of the said Lord, as lord of the regality in that pairt," all with the intention of withholding from the said Andro and his poor wife their small reservation. "And thaireftir the said Andro, being ane puyr man, unabill to sute ony proces in law, being put to povirtie be the said Johnne, meanyt him to the said Petir Hewat, quha causit speik him [Peblis]; and, eftir drawing of sum honest men to convene togidder to have had ane ease and mesure in that mater, he [Peblis] alluterlie refusit ayther to let the said Andro posses the land and sowmis gerse foirsaid, or to gif him ony compositioun thairfoir. And, besydis this his oppressioun,—quhilk is odious and apperandlie becumis not ane merchant, that usis to travell and trafficque in merchandice, and by and sell in lefull maner, and conques upoun gude and lauchfull ground,—he hes maist villannouslie, schamefullie and unhonestlie, cruellie invadit and persewit the said Petir at divers tymes within the said burgh, specialie in the moneth of 1581, cuming doun frome the ludgeing of the Lord Yeistir in the foirland of umquhile Johnne Sym, and at sindry tymes thaireftir: quhairof the lyke wes nevir usit towartis him, and mair in manifest contempt of his Hienes authoritie and lawis, and evill exempill to utheris to use the lyke in that pairt, quhair the seate and college of justice is, quhairof he is a member."—

Petir Hewat appearing for himself and for the principal complainer, Acta 1589–91. Page 372.
Peblis, for not appearing, is to be denounced rebel.

To denounce Mr James Gibson, sometime minister of Pencaitland.

"Anent the charge gevin to James Gibsoun, sumtyme minister at Pencaitland, to have comperit personalie befoir his Majestie and Lordis of Secreit Counsall at ane certane day bipast, to have answerit upoun the sklanderous offens committit be him aganis his Hienes, for the quhilk and for his contumacie he wes suspendit frome the functioun of the ministerie [*ante*, p. 500], and to underly ordour for the same as appertenit, under the pane of rebellioun, etc., with certificatioun to him, and he failyeit, utheris letters sould be direct *simpliciter* to put him to the horne, lyke as at mair lenth is contenit in the foirsaidis letters, executioun and indorsatioun thairof: Quhilkis being oftymes callit, and the said James not comperand, the Lordis of Secreit Counsaill thairfoir ordanis letters to be direct, chargeing officiaris of armes to pas and denunce the said James Gibsoun his Majesteis rebell, etc., and to escheit, etc., becaus he, being lauchfullie chargeit, etc."

Caution for Patrick Wilson and James Dawling.

Caution in 500 merks by George Spens in Auldlistoun for Patrik Wilsoun in Scottistoun and James Dawling in Kirklistoun, that they will not harm Thomas Cunynghame, son of James Cunynghame in Newtoun.

Caution for Murray of Fordels.

Caution in £2000 by Johnne Grahame of Knokdoleane for Mongo Murray of Fordellis (Fedels), that he will not harm Gawin Drummond, son of George Drummond, *alias* Gawin.

Caution for James Ritchie.

Caution in 500 merks by David Dundas of Preistinche for James Richie in Wincheburgh, that he will not harm Thomas Cunynghame, son of James Cunynghame in Newtoun.

Edinburgh, 4th July.

Caution for George Bruce.

Caution in 500 merks by James Menteith of Randyfurde for George Bruce, portioner of Craig, that he will not harm Johnne Bruce of Auchinbowy, Johnne Thomsoun in Belliclone, or Williame Morrisoun in Craig.

Caution for the Earl of Montrose and others.

Caution by Williame Grahame of Pannollis for Johnne, Earl of Montrois, in £1000, and for James Grahame in Culmannane, Thomas Craig there, Williame Buchannane in Lether, and Johnne Buchannane in Auchinheden, in 200 merks each, that they will not harm Sir James Edmonstoun of Duntreth. Page 373.

Holyrood-house, 8th July.

Sederunt—Rex; Mar; Thesaurarius; Newbottill; Clericus Justiciarie; Blantyre; Computorum Rotulator; Ormistoun; Clericus Registri; Murdocairny; Lincluden; Advocatus.

To denounce Ker of Newhall and his brothers, for not answering a charge brought against them by the tenants of Langnewton.

Complaint by Mr David Rutherfurde and Henry Dempstartoun, servants to Williame, Earl of Mortoun, Mathow Oliver, miller at Langnewtoun-mylne, Patrik Adamsoun, Adam Walker, Williame Robesoun, James Robsoun, and the other tenants of the lands and barony of Langnewtoun, as follows:—Upon 8th November last, Robert Ker and James Ker, brothers of Andro Ker of Newhall, accompanied with sundry other broken men, "all bodin

Acta 1589–91. in feir of weir," came in the night to the place of Langnewtoun, "and violentlie and perforce brak the syde of the said hous, and reft and awaytuke twa geldingis and ane cursour hors, pertening to the saidis Mr David and Henry Dempstartoun"; and afterwards the said persons raised fire in the said house, which they would have burnt if the watchmen of the town of Langnewtoun had not stayed them. Again, upon 29th May last, the said Andro Ker of Newhall, and Robert and James, his brothers, with their accomplices, broken men of Scotland and England, came at night to the said mill of Langnewtoun, "and schamefullie brak the stanys, quhellis, and utheris ornamentis of the said myln, and careit away with thame the haill irne grayth thairof, quhairthrow the samyn hes lyne ydill sensyne, and the said Oliver thairby sa depauperat that he will nevir be abill to repair the said mylne." Further, upon the following morning, they came to the mill of Langnewtoun, and "wranguslie and maisterfullie reft and awaytuke ten hors and mearis pertening to the puyr tenentis thairof, with the remanent of thair movabill gudis, swa that thair is nowther hors, nolt nor scheip left upoun the saidis landis." The said complainers appeal for remedy, and the rather because the offenders are rebels and outlaws having no certain residence.—Dempstartoun appearing personally, with Mr Patrik Murray as his prolocutor, who also appears as procurator for the other complainers, the said Andro, Robert, and James Kerris, failing to appear, are to be denounced rebels.

Robert Watson against the provost and bailies of Aberdeen.

Page 374. Complaint by Robert Watsoun, burgess of Abirdene:—Upon the arrival of Andro, Lord Dingwell, from Denmark, at the said burgh, "quhair he wes present for the tyme in the moneth of Julii" last, it was represented to the King by the said Lord that the ships which had convoyed him from the country foresaid, and which "than instantlie wer ordanit to depart with him agane," wanted "sic provisioun of pulder as the honorabill actioun quhairin thay wer employit requirit: quhairupoun his Hienes, upoun the suddane, wes movit to burden the provest and tounschip of the said burgh with the furnissing of the saidis schippis with sufficient provisioun of pulder; quhilk burdeing the said provest, in name of the haill burgh of Abirdene, acceptit upoun him and willinglie condiscendit to his Hienes desire in that behalf. And, becaus the necessitie of the said furnissing mycht not suffer delay unto the tyme that the haill nychtbouris of the said burgh wer taxt to that effect," Mr Thomas Menzies of Durne, then and still provost, in name of the bailies and council, "ernistlie preissit the said complenar with the furnissing of the said pulder, upoun faythfull promeis maid be him that he sould be honestlie" paid for the same. Upon the faith of that promise he delivered to James Gourlaw, skipper of one of the said ships, in presence of the said provost and of Williame Murray, valet of the King's chamber, powder to the value of £171, the price agreed upon between the said complainer and said provost, "hoiping for na thing les than that ony schiftis or delayis suld be usit in the payment thairof." Nevertheless, he has not yet received payment of the said sum from the said provost, and Thomas

Menzies, Thomas Buk, and Johnne Collesoun, present bailies of the burgh, who only make "dalie promeissis" of payment.—Charge had been given to Mr Thomas Menzies of Durn, provost, Thomas Menzies, Thomas Buk, Johnne Collesoun, and Alexander Forbes, bailies, to pay to the complainer the said sum, or else to show cause before the Council to the contrary; and now, Watsoun appearing by Nicoll Innes, his procurator, but the said provost and bailies not appearing, the Lords ordain them to make payment within three days after being charged, under pain of rebellion. Acta 1589-91.

Caution for Williamson.

Caution by Robert Maitland of Ecckles for James Williamsoun in Anderschaw, that he shall pay to Mungo Carmichaell of Corsbank the sum of £100, in case, after trial before the Council, it shall be found he ought.

Edinburgh, 9th July.

Caution for Barclay of Strowie.

Caution in £1000 by David Barclay, fiar of Strowy, as principal, and David Ramsay of Clettie, as surety for him, that he will not harm Johnne Bonar of Cultaquhair. Page 375.

Caution for Thomas Maule.

Caution in £500 by Andro Maull, portioner of Skryne, for Thomas Maull of Muredrum, that he will not harm Patrik Maull, fiar of Panmure, Henry Gray, or David Mudy, his tenant.

Caution for Brown of Blackburnrig.

Caution in £500 by Alexander Broun of Blakburnrig, as principal, and Johnne Strauchane, apparent of Dullinard, as surety for him, that he will not harm James Douglas of Tarthorwald.

Caution for John Hunter and his sons.

Caution by Johnne Campbell of Caddell for Johnne Huntar of Nethir Camys in £500, and for Johnne and Hew, his sons, in 500 merks each, that they will not harm George Montgomery of Bellikelliane,—Johnne Stewart of Rosland becoming cautioner in relief.

Holyrood-house, 10th July.

Sederunt—Domini ut in die predicto.

Act anent the Earl of Morton, in the matter his daughter's marriage to the Earl of Errol.

"The quhilk day, anent the charge gevin be vertew of oure Soverane Lordis letters to Williame, Erll of Mortoun, to have comperit personalie befoir his Majestie and Lordis of Secreit Counsall at ane certane day be past, to have answerit upon his contemptuous proceding to the accomplisment of the mariage betuix his dochter and Frances, Erll of Errole, eftir his Hienes speciall prohibitioun gevin to the said Erll of Mortoun in the contrair, upoun certane wechtie and necessar considerationis moving his Majestie, concerning his Hienes obedience and satisfactioun of the Kirk, and to have underlyne sic pane and punisement as the said contempt hes deservit, under the pane of rebellioun and putting of him to the horne, with certificatioun to him and he failyeit utheris letters sould be direct *simpliciter* to put him to the horne; lyke as at mair lenth is contenit in the foir-saidis letters. Quhilkis being callit, and the said Erll comperand personalie, it wes allegeit be him that nathing wes done on his pairt in this cais wilfullie nor to the contempt of his Majestie, bot ignorantlie, supponing the same mycht have bene accomplissit without offens to his Hienes, becaus he maid na promeis of befoir in the contrair. To the quhilk Page 376.

Acta 1589-91. it wes answerit be his Majestie that, in respect of his awin mynd knawin to the said Erll be the formar prohibitioun and utherwayis, and that na lauchfull excuse wes returnit be him to his Hienes in the contrair, that he is inexcusabill in this cais; and thairfoir his Majestie remittit to the consideratioun of the Lordis of his Previe Counsall present quhethir heirin the said Erll hes offendit and dissobeyit his Hienes lauchfull commandiment or nocht. The Lordis of Secreit Counsall, having ryplie advisit and considerit the circumstances of all thingis concerning this purpois, findis and declaris that the said Erll, in proceding to the accomplissing of the said mariage without ony lauchfull excuse returnit to his Majestie of befoir, hes offendit and dissobeyit his Hienes lauchfull commandiment, and thairfoir remittis to his Majesteis self to tak ordour tuicheing his punisement for the same as appertenis."[1]

Caution for Lord Claud Hamilton and others.

Caution by David Dundas of Preistinche, David Hammiltoun of Bothuilhauch, and Johnne Hammiltoun of Alderstoun, for Claude, Commendator of Paslay, in £1000, for Claude Hammiltoun of Cochno in 500 merks, and for James Hammiltoun there, James Hog in Westir Cochno, Robert Allesoun in Datirclunane, Williame Johnnestoun there, Patrik Johnnestoun in Auchinlek, Alexander Patersoun there, James Douglas in Miltoun, Andro Sprewle there, James Burnsyde "abone the Hill," Robert Brok there, Williame Stirling of the Law, Robert Burnsyde in Westir Kirkpatrik, Andro Burnsyde there, Mathow Hammiltoun in Auchintochen, and James Johnnestoun there, in 200 merks each, that they will not harm Sir James Edmenstoun of Duntreth.

Caution for Mr George Bisset.

Caution in £1000 by James Guthre of Gagy for Mr George Bisset, mair of fee of Abirdene, that, on being freed from ward in Blaknes, he shall appear before the Council as soon as possible and answer for the "offens committit be him" against Mr George Abircrumby (see *ante*, p. 486). Abbacuk Bisset, writer, becomes cautioner in relief (see *ante*, p. 204).

Edinburgh, 11th July. Band for John Munro and others.

Registration, by Mr Johnne Nicolsoun, as procurator for the surety, of a band of caution by Alexander Fraser of Gusaquhanis (Gussoquhan) for Johnne Monro of Pitchonochtie in 1000 merks, for Johnne Monro, his son and apparent heir, in 500 merks, and for Neill, Andro, and Hector, also his sons, Donald M°Hucheoun in the Miltoun of Pitfur, and Williame Monro Andersoun, "servand" to the said Johnne Monro, in 200 merks each, that David Myller in Denmylne, Andro Myller in Killen,

[1] The Earl of Morton here concerned was the William Douglas who had recently attained the earldom after its several shiftings since the death of Regent Morton (*cf. ante*, pp. 306, 360, footnotes), and the following from Spotswood (p. 381) may help to elucidate this Act:—"There was a marriage treated betwixt the Earl of Arrol and a daughter of the Earl of Morton, at which the King took exception and did inhibit the same, as not liking that he who had so lately rebelled [*ante*, p. 372], and was not yet reconciled to the Church, should be strengthened by such an alliance. Notthelesse the marriage went on; for which the Earl of Morton, being called before the Councel, answered that he could not restrain the affection of his daughter and was forced to give way unto it. The Councel, finding him to have failed in his duty, did remit his censure to the King himself; who, as he was a prince most tractable, did passe it, upon the Earl his submission."

Thomas Andro Moresoun there, Williame Andro Moresoun in Ordhone, Alexander Andro Moresoun in Monlochie, "broder" to Williame Myller in Denmylne, Alexander and Andro Mylleris, servants to the said David Myller, Williame Myller in Mylntour, Williame Myller, his son, Johnne M°Gilliechreist, "wobstar," in the Mylntoun, David Hosak, maltman, there, Finlay Gregor in Pitfuir, Donald Thomas and Andro Moresoun, *alias* Buken, shall be harmless of the persons above written. Subscribed at Newnakill in Ros, 6th July, before George Ros of Balnagowne, George Munro of Mekill Tarrell, Johnne Monro of Urquhart, Donald Monro of Tarloky, and Mr Johnne Ros, parson of Logy.

Acta 1589-91.

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Holyrood-house, 13th July. Ordinance for coining four stone weight of gold, notwithstanding a former Act, passed on a misconception.

By an Act of the Privy Council made at Edinburgh 16th June last, the officers of the cunyiehouse had been ordained "to red the same house of the allayit money" by the 20th June, and of the gold by 27th June. It had then been also enacted that no gold, silver, or "allayit money" should be coined thereafter till his Highness and the Estates should give instructions. At the time of the said Act it was supposed that "sic quantitie of gold as of befoir wes appointit to have bene wrocht and cunyeit for his Majesteis proffeit and satisfeing of sindry his creditouris" might have been easily coined before the date appointed for the said "redding" of the cunyiehouse of the gold, and it had always been the intention of the Council that the said quantity should be coined before the said Act should take effect. It is now, however, understood that four stoneweight of gold, appointed to have been coined before the making of the said Act, "as yit is not done," and could not have been done "within sic short space as is expressit in the same Act"; and, it being necessary that this quantity be coined, the King, with advice of his Council, now ordains the officers of the cunyiehouse "to proceid in cunyeing and wirking of the said four stane wecht of gold allanerlie," such procedure to be esteemed no infraction of the said Act. There is promise to ratify this ordinance in the next Parliament or Convention of Estates.—Subscribed "JAMES R.; L. Hammiltoun; J., Cancellarius; Tho., Thesaurarius; Robert Melvil; Lynclouden."

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Renewed Act against armed convocations to justice courts.

As the King has commanded his Justice to proceed in all criminal causes without delay, and remembers the "greit hinder of justice in tyme bigane be occasioun of greit convocationis of nobill men, baronis and utheris personis, oftymes armit, reparing to the justice courtis, conventionis, or for thair awin previe erandis," to the contempt of his Majesty's laws and Acts of Parliament, and especially of the Act of Parliament 1584 (vol. iii. c. 17, p. 301), it is ordained that the said Act be put to strict execution in time coming. In repairing to the King's presence, or to justice courts and conventions at Edinburgh, or upon private affairs, no Earl is to be accompanied with more than twelve persons, no lord with more than eight, no baron with more than five, all unarmed, under penalty of imprisonment. Proclamation hereof is to be made at the market cross of Edinburgh and other fit places.

Acta 1589–91. Caution in £2000 by Williame Craufurd of Beircroftis, Archibald Edmonstoun of Ballintone, Nicoll Cornwell of Ballinhard, and Williame Schaw of Knokhill, for Johnne, Earl of Menteith, that he will not harm Jonet Grahame, Lady Gartmure, Coline Campbell, her spouse, or Robert Grahame, son and heir of the late Niniane Grahame of Gartmoir. Caution for the Earl of Menteith.

Page 379. The King and Council understanding that the Clan Gregour, "being for the maist part denunceit his Hienes rebellis and at the horne for divers horribill crymes and offenssis," have of late "convocat thame selffis togidder in greit cumpanyis, and associat and drawin unto thame the brokin men of sindry cuntreis, quha at thair pleasour hes maist cruellie and tressonablie rasit fyre, brynt, slayne and hereit his Hienes gude subjectis, reft and takin thair gudis, and utherwayis opprest thame in sic sort as thair landis and boundis ar altogidder laid waist, and sindry baronis, gentilmen and utheris compellit to leif thair houssis, to thair utter wrak, and greit contempt of his Majestie and his authoritie, and hurt of the commounweill of this realme, utterand heirwithall a disdayne as it wer to his Majestie and all that professis his obedience, be counterfaitting of his princelie power, making of unlauchfull vowes, gevand proude and disdaynfull specheis, and using of sindry uther tressonabill and extraordinar deidis, in maist barbarous and ethnik maner, as thair wer nayther God nor man to comptroll and repres this thair contemptuous and insolent forme of doing;" and his Majesty having, "eftir consultatioun had heiranent with certane nobill men, baronis and utheris inhabitantis of the cuntreis maist ewest to the saidis rebellis," and with advice of his Council, "thocht meit and concludit that the same rebellis, thair resettaris, assistaris and partakaris salbe persewit with fyre, swerd, and all kynd of extremitie, ay and quhill thay be reduceit": to that effect, full power and commission of justiciary has been given to Sir Duncane Campbell of Glenurquhy "to do, exerce and use that in the premissis and for executioun thairof is necessarlie requirit to be done," with full indemnity for him and his auxiliaries in such proceedings (*cf. ante*, pp. 455, 456). But, "becaus it is understand to his Majestie that thair is sum bandis of mantenance and freindschip standing betuix the said Sir Duncane Campbell and sum of the principallis of the said Clan Gregour, as alsua betuix thame and sindry utheris nobill men, baronis and gentilmen of the cuntre, quhilkis, gif thay salbe sufferit to stand and have effect, may greitlie hurt and prejuge the executioun of this present commissioun," the present Act discharges all the said bands, and ordains the said Sir Duncane not to band with the said rebels in time coming.—Proclamation hereof is to be made at the market crosses; and all the lieges within the said bounds, and especially Johnne, Earl of Montrois, Johnne, Earl of Menteith, Patrik, Lord Drummond, James, Lord of Downe, steward of Menteith, Johnne Murray of Tullibardin, George Buchannane of that Ilk, Andro M°Farlane of Arrochair, and the barons and gentlemen of "sic pairtis of Ergyle as ar maist ewest thairunto," are to assist the said Sir Duncane in the execution of this present commission, under the penalty of being held as art and part with the said rebels. In the matter of the commission of justiciary against the Clan Gregor.

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Further, George, Earl of Huntly, Archibald, Earl of Ergyle, Johnne Campbell of Cadder, James Campbell of Ardkinglas, his curators, Johnne, Earl of Atholl, Lauchlane M^{c}yntosche of Dunnauchtane, and Johnne Grant of Frewchy, are commanded to find sureties, within 15 days after being charged, that they and each of them "sall concur, fortifie and assist the said Sir Duncane," also under the pain of being reputed as art and part with the said Clan. Acta 1589-91.

Edinburgh, 14th July. Band for Patrick Murray of Falahill.

Registration, by Walter Hendirsoun, as procurator for the surety, of a band of caution in 5000 merks by Johnne Murray of Blakbarony for Patrik Murray of Falahill, that he will not harm Sir Williame Sinclair of Hirdmestoun. Subscribed at Blakbarony, 13th July, before Malcolme Murray, James Hoppringill, Johnne Murray, and Andro Veche. Page 381.

Edinburgh, 15th July. Caution for George Herries of Maidenpap.

Caution in 500 merks by George Hereis of Madinpap, as principal, and Johnne Maitland of Auchingassill, as surety for him, that he will not harm Mathow Hereis in Langlanglie.

Caution for John Liverance.

Caution by Johnne Leverance, vicar of Bathcat, son of Richert Leverance, messinger, in Linlythquow, as principal, and James Hammiltoun, portioner of Bathcat, as surety for him, and by the said James and Johnne as sureties for the said Richert, that Richert Hammiltoun in Burroustonnes shall be harmless of the said son and father, under the pains in the letters raised against them.

Edinburgh, 16th July. Caution for John Clerk.

Caution in £500 by Patrik Cokburne of Eistborthuik, tutor of Langtoun, for Johnne Clerk in Wolferland, that he will not harm Thomas Reidpeth of that Ilk, Thomas Reidpeth, his son, Williame Reidpeth, parson of Ellem, Johnne, Andro and James Reidpethis, sons of the said Thomas, Adam Reidpeth in Rowanstoun, or Edmond Reidpeth in Crumrig.

Caution for Thomas Ireland.

Caution in £100 by Henry Pitcarne, apparent of that Ilk, for Thomas Ireland in Frewchy-mylne, that he will not harm Patrik Murray, brother of Sir Andro Murray of Arngosk. Page 382.

Caution for John Ogilvy of Inchewin.

Caution in £1000 by Johnne Ogilvy of Inchewin, as principal, and James Lyoun of Eistir Ogill and James Fentoun of Westir Ogill, as sureties for him, that he will not harm Williame Barclay of Westir Auchleuchrie, or David Barclay, his son.

Edinburgh, 17th July.[1] Band for Douglas of Kilspindie.

Registration, by Mr Williame Hart, as procurator for the surety, of a band of caution in £2000 by George Dowglas, younger of Langnuddrie, for Patrik Dowglas of Kilspundie, that he will not harm Andro Stevinstoun, burgess of Edinburgh. Mr Alexander King appears as procurator for the principal for registering the band; which is subscribed at Edinburgh, 13th July, before Thomas Crome and Johnne Sinclair, servitors to the said Laird of Kilspindie, and James Tarbert, writer.

[1] This day "the Queene went over to Dumfermline, convoyed with a number of noble men and weomen" (Calderwood, v. 99). It seems to have been her first considerable excursion from Edinburgh.

Acta 1589–91. Caution in £100 by Alexander Bonar of Balgirscho for Alexander Kilgour in Drumtennent, that he will not harm Patrik Murray, brother of Sir Andro Murray of Arngosk. Caution for Alexander Kilgour.

Caution by Hew Hering of Pendreich for Johnne Robertsoun of Smythstoun in 1000 merks, and for Johnne Robertsoun, his son, in 500 merks, that he will not harm Andro Gray, portioner of Balschando, or Andro Irland, his tenant of the same. Caution for John Robertson and his son.

Page 383. Registration, by Mr Henry Balfour, as procurator for the parties, of a band of caution by Robert, Lord Sympill, Johnne Sympill of Foulwod, and Adam Quhytfurd, younger of that Ilk, for James Knox, tutor of Ramfurlie, and Williame and Patrik Knox, brothers of the late Uchter Knox, younger of Ramfurlie, in £500 each, that they will not harm Margaret Maxwell, relict of the said Uchter. Subscribed at Monktoun, 2nd July, before Williame Sempill of Burnscheillis, Johnne Sempill of Boigend, Thomas Sempill, natural brother of the said Lord, Mr Andro Knox, minister at Paslay, and Thomas Inglis, burgess there. Band for James Knox and others.

Edinburgh, 18th July.

Caution in 500 merks by Patrik Stewart of Baith for Robert Dewar in Rescobie, that he will not harm Robert Dalgleische of Dunnygask,—Petir Dewar, eldest son of the said Robert, becoming cautioner in relief. Caution for Robert Dewar.

Caution by Walter Currour of Inchedrour for Mr Thomas Gordoun of Myrak, Williame Allane in Zork, Johnne Murray in Rothmakenyeis and Andro Brabner there, that they will not harm Williame Gordoun in Dunnymaid, under the pains in the letters to this effect. Caution for Mr Thomas Gordon and others.

Edinburgh, 20th July.

Caution in 2000 merks by Walter Wod of Balbegnio for George Leslie of Kennellis, that he will not harm Williame Leslie of Crechie,—Williame Leslie of Warderis, the said George, Williame Urie of Pitfichie, and Johnne Urie, his eldest son and apparent heir, becoming cautioners in relief. Caution for George Leslie of Kinnells.

Page 384. Caution in 2000 merks by Williame Leslie of Wardres, as principal, and Williame Turing of Foverne, as surety for him, that he will not harm Williame Leslie of Crechie. Caution for William Leslie of Warders.

Caution by Patrik Cairny of Clachladrone, as principal, and Johnne Murray, portioner of Kinkell, as surety for him, that he will not harm James Drummond of Cardneis. Caution for Patrick Cairny.

Edinburgh, 22nd July.

Sederunt—Cancellarius; Bothuill; Mar; Clericus Justiciarie; Coldenknowis; Ormistoun; Murdocairny; Clericus Registri; Carmichaell; Advocatus.

New commission anent the harbour of Irvine.

Upon a supplication presented by the provost, bailies and council of the burgh of Irwing to Parliament in July 1587, commission had been granted to Robert, Lord Boyd, Williame Cunynghame of Caprintoun, and Hew Campbell of Terrinyeane, to report to the Privy Council on the "hevin and herbrie" of the said burgh (Acts of Parl., 1587, c. 131, iii. 520). The said commission has not, however, been executed; and now, as only the last

named of the said commissioners is alive, and "necessar it is that sum utheris be appointit," the King, on petition from the said provost, bailies and council, gives full power to Thomas, now Lord Boyd, Master of Eglintoun, Blair of that Ilk, and Hew Campbell of Terrinyeane, or any two of them conjunctly, "to pas to the said burgh of Irwing," and to "visie and considder" the water mouth, haven, port and harboury thereof, and to "se gif the same may be helpit," and for that purpose to "confer with the maist honest and ancient burgessis of the said burgh and landit gentilmen dwelland nixt adjacent thairto, and quhat sowmes of money wald help the same, and, gif the same can not be helpit, to visie sum uther commodious place nixt adjacent to the said burgh quhair ane herbry may be biggit, and to set doun ane overture how the same may be biggit and quhat expenssis wilbe requisite," reporting to the King and Council by the Feast of Pasch next. Acta 1589–91.

Band for Sir Thomas Gordon of Cluny.

Registration, by Mr Thomas Craig, as procurator for the parties, of a band of caution in 2000 merks by Johnne Erskin, fiar of Balhagartie, for Sir Thomas Gordoun of Cluny, that James Forbes of Corsinday, Jonet Forbes, his mother, and Williame Forbes of Logy-Fintray, shall be harmless of him. Subscribed at Abirdene, 17th July, before Williame Gordoun, fiar of Sachin, Alexander Stewart, Arthour Stewart, Mr Robert Paip, advocate, Mr Alexander Fraser and Williame Ray, co-notaries public. Page 385.

Edinburgh, 23rd July. Band for Laird of Cluny.

Obligation, registered and witnessed as above, for the said Sir Thomas by the surety abovewritten, in £1000, and for Thomas Forbes in Fowlis, and Johnne Forbes, his son, in 500 merks each, that they will not harm Johnne Lummisden of Cuscheny.

Caution for Elizabeth Gray.

Caution in £500 by Mr Williame Carnecros of Balmaschannane for Elizabeth Gray, relict of Patrik Kynnard of Inchestuir, that she will not harm Andro Hude in Balgai, his wife, bairns, or tenants.

Edinburgh, 24th July. Caution for James Imrie.

Caution in 200 merks by Sir Archibald Naper of Edinbilly for James Imry, his hind, that he shall not harm David Prestoun of Craigmiller, or Andro Pacok, his tenant of his lands of Brigend. Page 386.

Caution for John Strang.

Caution in £2000 by Johnne Strang of Balcasky for Johnne Strang, his eldest son and apparent heir, that he will not harm Mr Andro Sandelandis.

Edinburgh, 25th July. Caution for William Ross of Priesthill.

Caution in £2000 by Coline M°Kenzie of Kintaill for Williame Ros of Preisthill, that, when released out of the tolbooth of Edinburgh, he shall keep ward in the said burgh till he find surety for the entry of himself, and of Johnne Ros, his bastard son, David Sutherland, fiddler, Williame Garg in Preisthill, and Thomas Ros, tailor, before the Justice, to answer for certain crimes specified in the letters raised against him by David Monro of Nig, when required upon 15 days' warning; also, that the said Williame shall remain in the said burgh till he satisfy the treasurer-depute for his escheat fallen to the King through his having been put to the horn at the instance of the said David.

Acta 1589-91. Caution in 300 merks by Patrik Gray of Inuergoury and Ephrame Quhytlaw of Middill Gourdy for Robert Gray, brother of Andro Gray of Ballegirno, that he will not harm Andro Hude in Balgai. Caution for Robert Gray.

Caution by Hary Stewart of Cragyhall for Patrik Ogilvy of Inchemartine in £2000, and for Williame Ogilvy of Balgai in 1000 merks, that they will not harm Andro Stevinstoun, burgess of Edinburgh. Caution for the Ogilvys of Inchmartin and Balgay.

Page 387. Caution in £2000 by George Todrik, burgess of Edinburgh, for David Prestoun of Craigmyller, and Andro Pacok, his tenant in Brigend, that Sir Archibald Naper of Edinbillie, Dame Elizabeth Mowbray, his spouse, and Alexander Naper, their eldest son and apparent heir, with their tenants and servants, shall not be molested by them, especially in the possession of the lands called the Kingis Medow, and of that part thereof next adjacent to the Burne called the Figot Burne, on the north side of the same. Caution for Preston of Craigmillar.

Convention of Estates.

Sederunt—Rex; Cancellarius; Angus; Bothuill; Montrois; Hume; Lindsay; Seytoun; Flemyng; Sanquhair; Newb[otti]ll; Dingwell; Ormistoun; B. Orknay; Pluscarden; Culrois; Blantyre; Menmure; Balmerinoch; Thesaurarius; Murdocairny; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Collector; Advocatus. Holyrood-house, 29th July.

This Act of Convention begins and runs on as follows:—"The Kingis Majestie and Lordis of his Secreit Counsaill, considering the barbarous and cruell murthouris and slauchteris universallie committit ower all pairtis of this realme, besydis the convocatioun of his Hienes liegis at all tymes in armes for bigging or casting doun of dykis, leding of turvis and peittis and utheris caussis of licht importance, bot cheiflie for leding of teindis this present seasoun of the yeir, quhairupoun hes followit and dalie is liklie to follow sindry deidlie feidis and utheris greit inconvenientis, to the offens of God and greit contempt of his Majestie, his authoritie and lawis: quhairfoir his Hienes, in presens of his nobilitie, Counsall and Estaittis presentlie convenit, signifeit and declarit his Majesteis godlie and gude intentioun to the punissing and repressing of the disorderis, quhilkis his Hienes willit thame to cummunicat to all utheris,—that is to say that, gif ony personis, of quhat estate, qualitie or degre that evir thay be of, sall presume or tak upoun hand to commit ony of the crymes and offenssis particularlie abonementionat, cheiflie now in this tyme of vacance, that they sall incur his Hienes heich displeassour and indignatioun, besydis the ordinair panes of the law to be execute upoun thame. And for this effect, his Majestie, upoun advertisement to be gevin to his Hienes of the committing of ony sic deid, making of convocatioun and gaddering of his Hienes liegis, sall, with all convenient expeditioun thaireftir, repair to the pairtis quhair the samyn is done, and sall apprehend the personis, cheif authouris and committaris thairof, and Act against convocation of the lieges for leading of teinds.

commit thame to ward quhill justice be execute upoun thame thairfoir. Acta 1589-91. And, gif thay or ony of thame be of the nowmer of his Hienes Prevy Counsall or of the Officiaris of his Estate, besydis thair deprivatioun frome thair place, office and preheminence that thay brouke thairby, thay sall alsua be persewit and puneist maist extremelie, conforme to the lawis of this realme."—The Act then directs proclamation to be made of the premisses at the market crosses of the head burghs, with a charge to the lieges to "contene thameselffis in quiet and peciabill maner" under the King's obedience, and especially to make no convocation in arms for leading or withstanding the leading of any teinds of this present crop, or for hindering the execution of letters directed to that effect, but to allow the said Page 388. teinds to be collected and led by the persons who had been in possession of the leading of the said teinds during the year preceding.

Tax imposed on wines for the King's benefit.

"Anent the propositioun maid to the Estaittis presentlie convenit Page 392. concerning the sufficient and necessar provisioun of oure Soverane Lordis hous in wynis and uther expenssis thairof, the saidis Estaittis, eftir lang ressoning and mature deliberatioun, grantit and concludit that his Hienes sal have thre crownis of the sone or the avale of thame of everie tun of Frenche or Spaynish wynis bocht be his Hienes subjectis in France or Spainye, quhethir thay be brocht hame and loist upoun the schoris of the havynnis and portis of this realme, or sauld and transportit in uther cuntreis, deduceing alwayis ane tun of everie ten or the avale thairof for the lekkage, the entre thairto to be and begin upoun the first day of October nix to cum, and sa to continew yeirlie in tyme cuming. For the ressaving and uptaking of the quhilk dewitie fra the marchantis and awnaris of the saidis wynis to his Hienes use, his Hienes sall appoint and nominat a collectour ressaver, quha, of the first and reddiest of the sowmes to be ressavit be him, sall thankfullie pay for the wynis to be uptakin to the provisioun of his Hienes hous to the marchantis and awnaris thairof, conforme to the pryces that salbe yeirlie maid according to the Act of Parliament. And his Hienes, with advise of his saidis Esteattis, promittis that he sall at na tyme heireftir grant ony provisioun or precept of the dewitie foirsaid, or ony pairt thairof, to na maner of persoun or personis, except for the payment of the saidis wynis and to his comptroller for the expenssis of his hous; as alsua that na maner of licencis salbe grantit to bring hame or by ony wynis in tyme cuming without payment of the said dewitie, and that letters of poinding or horning be direct for payment of the said dewitie in forme as efferis."

Caution for William Veitch of Dawick.

Caution in £1000 by Williame Veche of Dawik, as principal, and Page 388. Michaell Nasmyth of Posso, and Mr Thomas Nasmyth, his eldest son and apparent heir, as sureties for him, that James Twedy of Drummelzeare, Adame Twedy of Drava, Johnne Twedy, sometime tutor of Drummelzeare, Williame Twedy of Wra, Johnne Creichtoun of Quarter, Andro Creichtoun of Cardone, and Thomas Portuous of Glenkirk, shall be harmless of the said principal.

Registration, by Mr Johnne Dempstar, as procurator for the parties, of

Acta 1589–91. a band of caution in £1000 by Thomas Dempstar of Auchtirles for Williame Gordoun of Dunnymald (Donomaid), that Johnne Gordoun of Murack shall be harmless of him, according to the King's letters raised by the said Johnne, with consent of Alexander Abircrumby of Pitmaden and George Ogilvy in Cullane, his curators, against the said Williame. Subscribed at Abirdene, 25th July, before Adam Fraser, Petir Arbuthnot, Alexander Youngsoun, David Hervy, and James Ogstoun, notary pulic. Caution for William Gordon of Dunymad.

Caution in £100 by Mr James Durehame of Duntarvie for Williame Gray, eldest son and heir of the late Robert Gray, burgess of Edinburgh, that he will not harm Robert Gray, burgess of the same,—Thomas Murray, the King's master furrier, becoming surety in relief. Caution for William Gray.

Page 389. Caution in 300 merks by James Gray in Forgund, as principal, and James Strauchane of Carmylie, as surety for him, that he will not harm Andro Hude in Balgai. Edinburgh, 30th July. Caution for James Gray.

Sederunt—Cancellarius; Thesaurarius; Newbottill; Murdocairny; Custos Secreti Sigilli; Computorum Rotulator; Coldenknowis; Clericus Justiciarie; Clericus Registri; Ormistoun; Collector; Carmichaell. Edinburgh, 31st July.

Complaint by George Airth, James Patersoun, Thomas Wilsoun, Henry Baxter, Johnne Patersoun, Henry Williamsoun, David Welandis, elder, David Welandis, younger, David Page, David Jamesoun, Alexander Jamesoun, David Philp, and James Andersoun, burgesses of Cowpar in Fyff, as follows:—George Clapen of Carslogy, alleging that the bailies and council of the said burgh "maid interruptioun to him in the pasturing of his guidis upoun the landis of Newlandis" claimed by him in commonty, and "utherwayis had revin out and sawin ane pairt thairof this present yeir, mynding to disposses him thairfra," had obtained letters from the Privy Council charging the said complainers to find caution for themselves and the whole community of the said burgh for his security, under a penalty of £1000. He now intends to put them to the horn; which is most unjust, inasmuch as the said lands nowise pertain to him in commonty, but belong to the whole inhabitants of the said burgh in property, having been "swa repute, haldin and hithertillis possest be thame as thair awin propirtie continewalie sen the erectioun of the said burgh," and having in special been adjudged theirs "in ane court of perambulatioun haldin mair nor ane hundreth yeiris syne." The said George having of late "preissit to mak sum impediment to thame" in occupying the same, they had compelled him to find caution in £1000 for their indemnity in their persons and goods, and hence, "having consavit ane deidlie hatrent and malice aganis the saidis complenaris," he had caused execute the said letters against them, his intention being, "ayther, upoun ony licht motioun that may fall out betuix him, his tenentis and servandis, and ony of the saidis inhabitantis (as indeid he and thay will dalie minister occasioun thairunto), in cais the Suspension of horning against certain burgesses of Cupar-Fife.

saidis complenaris find the said souirtie, to get thame decernit in the said pane," or else to have them denounced "for not finding of the same souirtie." He had received "na interruptioun" in anything really belonging to him; but, "gevand that he had ressavit ony interruptioun, as he did not," yet it was the provost, bailies and council of the said burgh that should have been charged to find the said caution, "quha be thair awin act wes and is abill to bind the haill inhabitantis thairof for thair releif," and not the complainers, "quha ar meane, sympill men, havand na power nor jurisdictioun ower thame, nane of the same complenaris except thre personis onelie being of the counsall, nor yit bering ony uther charge or office within the same." If, however, the said George will "mak fayth" that he dreads harm in his body or goods from the inhabitants of the burgh generally, they are willing to find caution for his indemnity. Altogether, they pray that the said letters of horning may be suspended. —The said James Patersoun appearing for himself and for the other complainers abovewritten, but the said George Clapen not appearing, the Lords do suspend the letters. Acta 1589-91. Page 390.

Suspension of horning against Sir Archibald Napier of Merchiston.

Complaint by Sir Archibald Naper of Edinbilly, and James Imrye, his hind, as follows:—David Prestoun of Craigmyller, and Andro Pacok, his tenant of Brigend, alleging that Naper and his hind had molested them in their lands, had obtained a decree ordaining them to find caution for their indemnity, within a certain time, under pain of rebellion (*ante*, p. 512), intending, "in cais of thair dissobedience," to put them to the horn. Now, Sir Archibald had previously found caution, upon 3rd September 1588, that the said David and his tenants should be harmless of him (*ante*, p. 319), and ought therefore not be compelled to find new caution, unless the former caution should have been found insufficient, "or the Act maid thairupoun declarit to be contravenit, quhilk is not done." Nevertheless, "gif the said David will discharge the formar cautioun, the said Sir Archibald sall willinglie find new cautioun." On this account, and as the said hind has found caution as required, the said letters of horning ought to be suspended.—Sir Archibald appearing for himself and his hind, but neither David nor Andro appearing, the Lords do suspend the letters. Page 391.

Order to denounce Lord Somerville.

Complaint by Johnne Somervile of Cambusnethane, as follows:—He owns heritably the twenty poundland of Kerswell and Quodquen, with the pendicles thereof called the Newmanys, and certain "coitlandis" with two oxengang of land in Newbigging, lying within the barony of Carnweth and shire of Lanerk, holding the said lands immediately of Hew, Lord Somervile, in free blench ferm for payment of a penny only. "And, becaus thair hes bene greit pleyis and cummer betuix the said Lord and the said complenar this lang tyme bigane anent the landis of Gilmertoun, he thairfoir beiris hatrent and malice aganis the same complenar, and dalie exerceis the same upoun his tenentis of his landis foirsaidis, liand within the said barony, be compelling thame to cum with their cornis to his myln of Carnweth, and to ansuer in his courtis, and to serve him at oistis and raidis; lyke as he causis persew thame for blude and convictis

Acta 1589-91. thame unjustlie of the same, albeit the said Johnne nor his saidis tenentis ar nawayis subject to the saidis courtis, nor yit astrictit to the said myln, his infeftment of the saidis landis obleissand him onelie in the payment of ane penny for the same."—The complainer appearing by his procurator, the respondent, for failing to appear as charged, is to be denounced rebel.

Caution for Patrick Gray and others.

Caution by Andro Moncur of that Ilk for Patrik Gray, brother to Andro Gray of Ballegirno, George Patersoun in Inchestuir, James Lamb there, Williame Gourlaw there, Arche Kynmonth there, Johnne Sturroch there, Andro Moncur there, Johnne Wichtoun there, George Duncane there, Johnne Skeddoch there, Andro Fyff there, Johnne Martine there, Alexander Burgh there, Andro Ireland there, Henry Jaksoun in Balgai, James Martine there, Johnne Simsoun there, Williame Madin there, George Patersoun there, James Fyff there, and Thomas Broun in Inchestuir, in 300 merks each, that they will not harm Andro Hude in Balgai, his wife, bairns, tenants or servants.

Caution for Gordon of Barnbarroch and his sons.

Caution by Williame M°Clellane of Croftis for James Gordoun of Barnbarrauch in 1000 merks, and for Thomas, Alexander, Williame, and Robert Gordounis, his sons, in 500 merks each, that they will not harm Kathrene Carmichaell, relict of Williame Creychtoun, tutor of Sanquhair, her tenants or servants.

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Edinburgh, 1st Aug. Caution for David Sibbald.

Caution in 500 merks by Sir Andro Murray of Arngosk for David Sibbauld in Orkymylne, that he will not harm Alexander Kilgos in Drumtennent or Thomas Ireland in Frewchymylne,—Johnne Andro subscribing for Sibbald, " becaus I can not wryte."

Edinburgh, 3rd Aug. Caution for Lauchlan Farquharson.

Caution by George Drummond, apparent of Blair, for Lauchlane Ferquharsoun of Brochdarg, that he will not harm Andro Spalding of Aschintullie, or James Spalding, his brother, under the pains in the letters against him.

Edinburgh, 4th Aug.

Sederunt—Cancellarius ; Thesaurarius ; Newbottill ; Coldenknowis ; Murdocairny ; Custos Secreti Sigilli ; Computorum Rotulator ; Clericus Justiciarie ; Clericus Registri ; Collector ; Ormistoun.

To denounce James Lumsden of Airdrie.

James Lumisden of Ardre, and David Ferry, his servant, for not appearing this day to answer touching " certane jowellis and utheris movables, letters

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and writtis, being in thair handis, concerning his Hienes," are to be denounced rebels.

Edinburgh, 5th Aug. Caution for David Munro.

Caution in £1000 by Walter Rollok of Petmedie, tutor of Duncrub, for David Monro of Nig, that he will not harm Williame Ros of Priesthill.

Edinburgh, 6th Aug. John Penry ordered to

" The Kingis Majestie, with advise of the Lordis of his Secreit Counsall, for certane caussis and considerationis moving thame, ordanis letters to be direct to officiaris of armes, shereffis in that pairt, chargeing thame to pas

depart the realm.

and in his Hienes name and authoritie command and charge Johnne Pennerie, Inglisman, be oppin proclamatioun at the mercat croces of the heid burrowis of this realme and utheris places neidfull, to depairt and pas furth of this realme, boundis and dominionis thairof, within ten dayis nixt eftir he be chargeit thairto, and on nawayis returne agane thairin nor within ony pairt of the samyn without speciall licence of his Majestie had and obtenit thairto, under the pane of deid: certifeing him, and he failyie, the said space being bipast, he salbe apprehendit and puneist thairfoir to the deid with all rigour and extremitie: and siclyk to command and charge all and sindry his Hienes liegis, of quhat estate, degre or qualitie that evir thay be of, that nane of thame tak upoun hand, the said space being bipast, to resset, supple or intercommoun with the said Johnne Pennerie, or furneis him meit, drink, hous or herbery, under quhatsumevir cullour or pretens, under the said pane of deid,—certifeing thame, and thay failyie or do in the contrair, that thay sall alsua be persewit and puneist with the lyke rigour and extremitie to the deid, in exempill of utheris." [1] Acta 1589–91.

Caution for James Guthrie.

Caution in 1000 merks by James Guthre of Gagy, as principal, and George Lundy, apparent of Gorthy, and Williame Airth, portioner of Auchtermuchtie, as sureties for him, that he will not harm Johnne Traill, burgess of Dunde.

Caution for Douglas of Wells and others.

Caution by Robert Dowglas of Wellis, Robert Grahame, younger of Westhall, and Archibald Baillie of Hillis (Auldstoun), as principals, and Williame Dowglas of Lintoun, as surety for them, in £500 each, and by the said principals and surety for Robert Grahame, elder of Westhall,

[1] The "John Pennerie" of this entry was the famous young Welsh enthusiast, Anabaptist, Brownist, Separatist, "Mar-Prelatist," John Penry, whose brief but energetic career of preaching and pamphlet-writing against the established church of England, and his death on the scaffold for his principles on the 29th of May 1593, make him so memorable a figure in the history of early English Nonconformity. He went and came a good deal between England and Scotland, "the internuncio or common agent," as English Church historians afterwards said, "between the Presbyterians of Scotland and the English Puritans"; and from the correspondence of Mr Bowes, the English ambassador in Scotland, with Lord Burghley, we learn that his present visit to Scotland had begun in May 1590, when he was "banished from England for publishing books there," and that Bowes from that date onwards had an eye upon his movements among the Scots. "Penry to be banished," writes Bowes to Burghley Aug. 1, 1590; and on the 6th of August, the very day of this order, he writes again, informing Burghley that the order had been passed, and apparently transmitting a copy of it (*Calendar of English State Papers relating to Scotland*, pp. 574, 580, and 581). However much Penry's anti-episcopal principles may have recommended him to some of the Scottish Presbyterians, it may be doubted whether he was a popular visitor among the Scots all in all. Seven years before, when Robert Brown himself, the father of the original or crude form of English Independency, visited Scotland (January 1583–84), his views had caused no small perturbation, as striking at the root of Presbyterial church-government no less than of Episcopal; and young Penry's views must have provoked similar criticism and alarm. A more favourite representative of extreme English Puritanism among the Scottish clergy at this time seems to have been Mr John Udal, who is heard of as present in the General Assembly at Edinburgh in June 1587, and again in the General Assembly of June 1589, when he preached before the King and Court, and who was dismissed back to England in June 1591 with a strong letter of recommendation from James to Elizabeth, —a recommendation which did not serve him much, for he died in prison, under sentence of death for an anti-episcopal pamphlet, just a little before the execution of Penry.

Acta 1589–91. Alexander Baillie, eldest son and apparent heir of the said Archibald, and James Baillie, his eldest son, in 500 merks each, that they will not harm Robert Denholme, reader and vicar at Dunsyre.

Page 394. Caution in 1000 merks by Andro Maull, portioner of Skryne, for Petir Oliphant, younger of Turynis, that he will not harm Johnne Traill, burgess of Dunde. Caution for Peter Oliphant of Turings.

Sederunt—Domini ut in die predicto. Edinburgh, 7th Aug.

"Forsamekill as the Kingis Majestie hes committit the handilling and ordouring of the publict effaris of his realme and estate to a certane nowmer of personis nominat and chosin be his Hienes to be of his Previe Counsall and Officiaris of his Estate, knawin be his Majestie be pruif and experience to be maist furthwart and affectionat to the advancement of his Hienes authoritie and service, in the quhilk charge nochtwithstanding his Majestie understanding that thay ar abill to proffeit litill or nathing to the honour and suirtie of his Hienes persoun, croun and estate without his Hienes concurrence and hand haldin to quhatsumevir thing thay sall conclude, deliberat and ordane to be put to executioun in this behalf: thairfoir his Majestie, in presens of his Secreit Counsall presentlie convenit, solempnitlie hes promeist, and be thir presentis, in the word of a Prince, promeissis, that quhatsumevir thing is or salbe concludit and decernit be the saidis personis of his Hienes Counsall and Officiaris of his Estate nominat and electit be his Majestie as said is, and be thame ordanit to be put to executioun aganis quhatsumevir persoun or personis, or utherwayis to stand and have effect as lawis heireftir, that his Majestie, alsweill absent as present, sall ratifie, lyke as his Hienes presentlie ratifies and approvis, the samyn, and sall concur and hald hand to the executioun thairof be his awin persoun gif neid be and utherwayis to the uttirmost of his power, and at na tyme, be the perswasioun, importune sute or solistatioun of ony persoun or personis, nor utherwayis under quhatsumevir cullour or pretens, sall alter, change nor annull ony of thair procedingis in this cais, directlie nor indirectlie, without thair awin advise, counsall and consent grantit thairto." Declaration of the King's Majesty of his resolution to carry out the decrees of his Council and Ministers.

Caution by George Lundy, apparent of Gorthy, and Williame Grahame of Claveris (Clawerhous), as principals, and David Abircrumby of Pitelpie, as surety for the former, and Robert Maxwell, portioner of Lamylethame, as surety for the latter, in 1000 merks each, that Johnne Traill, burgess of Dunde, shall be harmless of the said principals. Caution for Lundie of Gorthy and Graham of Claverhouse.

Caution in 1000 merks by Gilbert Ogilvy of that Ilk for George Drummond of Blair, that he will not harm Walter Reid in Eistir Ratray, Edinburgh, 8th Aug.

Page 395. —George Drummond, apparent of Blair, becoming surety in relief. Caution for Drummond of Blair.

Caution in 300 merks by George Drummond, apparent of Blair, for James Gibsoun in Clintland (? Clintlaw), that he will not harm Walter Reid in Eistir Ratray, or George, Williame and James Reidis, his sons. Edinburgh, 10th Aug. Caution for James Gibson.

Caution for George Rattray.

Caution in 1000 merks by the same Drummond for George Ratray of Craighall, that he will not harm the said Reids,—Mr Silvester Ratray, brother of the said George, becoming surety in relief. Acta 1589–91.

Caution for Graham of Thornick.

Caution by Robert Grahame of Thornik, as principal, and Alexander, Bishop of Brechin, as surety for him, that he will not harm Agnes Logane, heretrix of the lands of Kildeis, Gawin Drummond, or Elspet Murray, his spouse, under the pains in the letters raised against them.

Caution for Gordon of Coclarachie.

Caution by James Gordoun of Knokespik for George Gordoun of Coclarachie, that James and George Lesleis in Tailyeauch shall be harmless of him, under the said pains.

Edinburgh, 11th Aug.

Sederunt—Angus; Clericus Justiciarie; Clericus Registri; Collector; Computorum Rotulator; Mr Alexander Lindesay.

The Magistrates of Dumfries ordered to try certain criminals by an assize.

Supplication by the provost and bailies of Drumfreis, as follows:—Captain Rawling, alleging that Willie Irwing, son of Cristie Irwing of Cothquot, Johnne Irwing in Hielandhill, and Robe Irwing, his brother, fugitive rebels for the slaughter of Johnne Rawling, burgess of Drumfreis, had been taken by the said Magistrates and imprisoned in the pledge chamber of Drumfreis, but that the said Magistrates intended to release them, had obtained letters charging them to bring and enter the said rebels within the tolbooth of Edinburgh within a certain time after the charge, under pain of rebellion. For their disobedience he intends to put them to the horn; which, they represent, is unjust. The said persons were not taken by the said Magistrates; "bot certane of thair nychtbouris, and kynnismen to the said umquhile Johnne Rawling, having accidentlie met with thame, enterit in persute of thame be way of deid, and, eftir lang combat and slauchter of uther twa of the saidis rebellis, complices gilty of the said slauchter, thay tuke and apprehendit the said Willie, Johnne and Hobbie Irwingis, and brocht thame to the plege chalmer of Drumfreis. And, becaus thair wes ane commissioun of justiciarie grantit to Johnne, Page 396. Lord Maxwell, stewart of the stewartrie of Annanderdaill, upoun the saidis personis, the saidis baillies deliverit thame to him; quha ressavit thame of thair handis, be quhais commandiment thay ar presentlie detenit within the said plege chalmer; and swa the saidis baillies hes na power nor authoritie ower thame, and aucht nawayis to be burdynnit with thair entre. And, gevand thay wer detenit be thame, and wer in thair handis, yit be na law nor custum evir heirtofoir observit can thay be astrictit to bring the saidis personis to this burgh, nor to na uther pairt outwith thair awin burrow ruidis, and the maist that could be cravit of thame wald be onelie to keip thame in suir firmance." They pray therefore that the letters obtained against them by Captain Rawling be suspended *simpliciter*.—The provost and bailies appearing by Mr Homer Maxwell, their procurator, and Captain Rawling appearing personally, the Lords ordain the petitioners, under pain of rebellion, to put the said rebels to an assize for the said slaughter by 1st September next, or else to enter

Acta 1589-91. them before the Privy Council in Edinburgh on that day, that justice may be administered to them.

Charge to certain classes of offenders, chiefly ecclesiastical, to appear and answer for their demerits: enumeration of such offenders.

"Forsamekill as the Kingis Majestie, with advise of the Lordis of his Secreit Counsall, hes concludit, statute and ordanit that all papistis, Jesuittis, seminarie preistis and excommunicat personis, all abusaris and prophanaris of the sacramentis, all brekaris of the Sabaoth day, all troublaris, invadaris, or persewaris of ministeris be way of deid in reparing to thair kirkis and using of thair functioun, discipline and executioun of thair offices, all personis stopparis and impediment-makaris to the designatioun of mansis and gleibis to ministeris, or, being designit, sall mak impediment to thame in bruiking of the same, and all personis denunceit to the horne for not-payment of ministeris stipendis, and that hes dissobeyit chargeis of tressoun past upoun letters rasit at thair instance, salbe callit and convenit befoir his Majestie and Lordis of Secreit Counsall at certane particular dyettis, and ordour takin with thame according to the lawis of this realme, Actis of Parliament and Secreit Counsall maid thairanent:—And thairfoir ordanis letters to be direct, chargeing the personis underwritten,—thay ar to say, Sir Johnne Paip, ane preist; Maister Alexander Leslie of the Peill or Syde; Williame Knowis, Johnne Knowis; Williame Knowis, in Marieculter; Robert Knowis, his broder, in Banquhory; James Knowis in Kempstoun; David Grahame of Fintre; Williame Dowglas, sone of Williame, Erll of Angus; Patrik Lindsay, broder to the Lard of Vane; Thomas Glendy, Jonet Donaldsoun, Sir Williame Blakwod, preist, in Dunblane; Elizabeth Carnweth, Niniane Greif, Cristiane Edward, Kathrene Inglis, Patrik Maistertoun, Helene Leslie, Robert Killoch, and Cristiane Robertsoun, in Dysert, all excommunicattis: and siclyke to charge the personis underwrittin, abusaris of the sacramentis,—thay ar to say, Robert Grant, reidar; Duncane Clerroch, *alias* M^{c}Gregour; Williame Scot, vicar of Monze; James Blakwod, sumtyme minister at Sawling, and Freir George Levingstoun: and in lykemaner chargeing the utheris personis undermentionat, troublaris of ministeris in the executioun of thair offices and in the possessioun of thair mansis and glebis,—thay ar to say, James Dunbar of Tarbett; Patrik Dunbar of Dik; Dunbar, dene of Murray; Johnne Bonar of Tulloch; Johnne Forret, broder to the Lard
Page 397. of Forrett; and Johnne Young, his servand, all indwellaris beyond the Watter of Forth: and siclyke to command and charge the excommunicates underwrittin, besowth the said Watter of Forth,—thay ar to say, Marioun Myller; Johnne Steill; Besse Small; Jonet Wilsoun; Geillis Dun; Margaret Litiljohnne; Besse Brok; Agnes Baxter; Johnne Walker; Jonet Duncane; Jonet Stewart; Margaret Clerk; Issobell Portar; Margaret Smyth; Thomas Baillie in Sanctjohnnes Kirk; Marioun Moir thair; Margaret Somervile thair; Robert Algeo; Henry Houstoun; Robert Maxwell; Johnne M^{c}Quhene; Helene Stewart; of Stevinstoun; Malie Cunynghame; Andro Lowrie; Issobell M^{c}Crekane; Fergus Stevinstoun; Issobell Witherspune; Gilbert Clagstoun; George Ahannay; Besse Budden

in Clente; Neill M°Nylie; Sytik M°Clement in Inche; Michaell Acharsen; Acta 1589-91.
Jonet M°Clenochen; Gilbert M°Clenochen; Jonet Erskin in Salset; Patrik Agnew; Gellis M°Williame; Leonard M°Ghe; Elspet M°Ghe; James M°Malcolme; Elspet M°Crevie; Williame Ahanny; Marioun Lowrie in Wigtoun; Neving M°Ghe in Kirknidder; Andro Geddes; Jonet Hereis; James M°Neische; Jonet Stevinstoun in Monygof; Dene Adam Maxwell, sumtyme monk at Corsraguell; Alexander Reid in Uchiltre; Mongo Myller; Margaret Wilsoun; Andro Relie: as alsua chargeing the personis underspecifit, abusaris of the sacramentis be south Forth,—thay ar to say, Sir Thomas Ker, vicar of Auld Roxburgh; Archibald Symsoun; Thomas Newbie, vicar of Hassinden; Johnne Scot in Jedburgh Forrest; James Scot in Syntounmylne; Sir Johnne M°Call; Sir Johnne M°Clellane in Balloch; Williame Scot, reidar at Monze; Duncane M°Gregor; Mr Gilbert Broun, callit Abbot of Newabbay; Maister Johnne Greirsoun; Gilbert Greir in Keirsyde; Mr Mark Ker, sone to Robert Ker, eldar, burges of Edinburgh; Paull Thomsoun, burges of Drumfreis; Sir Johnne Sinclair; Sir James Williamsoun; Johnne Logane, sumtyme monk in Newabbay: and in lyke maner chargeing the utheris personis undermentionat, persewaris and troublaris of ministeris be way of deid in the executioun of thair offices and functioun, and in the possessing and occupying of thair mansis and gleibis designit to thame,—thay ar to say, James Stewart, broder to the Lard of Cragyhall; Oliver Sinclair in Ravynnisnuke; Johnne Cokburne; Mark Ker of Gaitschaw; Williame Ker of Carop; Williame Cokburne of Chowslie; Johnne Rutherfurd in Ancrum; Johnne Pittallo; James Diksoun in Ancrum; George Michelhill, George Haliwell, Williame Michelhill, George Anisoun, and Johnne Turnbull, indwellaris in Selkirk; James Scot; Williame Michelhill; Johnne Kene; James Hume, sone to Alexander Hume of Manderstoun: and forder chargeing thir uther personis presentlie at the horn for not payment of ministeris stipendis,—thay ar to say, Robert Cullace, chamberlane of Kelso, and Thomas, Maister of Cassillis:—be oppin proclamatioun at the marcat croces of the heid burrowis of the sherefdome quhair thay dwell or makis residence (quhilkis his Hienes and the saidis Lordis admittis to be als lauchfull as gif thay wer chargeit personalie, becaus for the maist pairt thay have na certane knawin dwelling places nor houssis), to compeir personalie befoir his Hienes and the saidis Lordis at Edinburgh, or quhair it sal happin thame to be for the tyme, the xxv day of September nix to cum, to ansuer to sic thingis as salbe inquirit of thame tuicheing the premissis, mair particularlie to be declarit to thame at thair cuming, and to underly ordour and punisement for the same according to the lawis and actis foirsaidis, under the pane of rebellioun, with certificatioun, etc."[1]

[1] This very curious and detailed order of August 11 connects itself evidently with a General Assembly of the Kirk which met at Edinburgh on the 4th of that month and sat till the 13th, under the moderatorship of Mr Patrick Galloway (*Book of the Universall Kirk*, pp. 338–351). Among the subjects which occupied the attention of this Assembly and were pressed by it upon the King and Council were these,—"the purging the land of Jesuits, Papists, Seminary Priests, abusers of the Sacraments, and excommunicats"; the

Acta 1589-91.

Caution for Andrew Henderson.

Caution in 1000 merks by Hew Hering of Pettindreich for Andro Hendirsoun, "granter of Scone," that Diones and Andro Conquerouris, burgesses of Perth, shall be harmless of him,—George Hering of Westir Glasclone becoming surety in relief.

Edinburgh, 12th Aug.

Sederunt—Cancellarius; Angus; Bothuill; Magister Glammis; Clericus Justiciarie; Computorum Rotulator; Mr Alexander Lindesay; Ormistoun; Advocatus; Colluthy; Carmichaell.

Cuthbert Cunningham against his brother, Cunninghame of Drumquhassil: the latter denounced.

Complaint by Cuthbert Cunynghame, provost of Dunbartane, as follows:—His late father, Johnne Cunynghame of Drumquhassill (see vol. iii. per Index, and before *passim*), having made reasonable provision to all his bairns, without hurting or diminishing the old heritage of the house of Drumquhassill, granted to the complainer the provostry of Dunbartane, the lands of Boquhanne, half kirk of Dunbartane and teind sheaves thereof, as his rights and titles show. He was accordingly in possession of his said lands and teinds for many years before his father's death, "lippynning for na thing les, eftir his deceis, than ony unnaturall or extraordinar behaviour of Johnne Cunynghame, now of Drumquhassill, his broder, bot that in all his honest and lauchfull adois he sould have assistit him in a brotherlie maner." But, shortly after his father's death, his said brother had intruded himself into his said lands of Bolquhonne; and, notwithstanding that the complainer obtained decrees with letters of horning and caption against him and the tenants of the said lands, he had intromitted with the ferms and duties of the same from the year 1584 to 1588. "And, the said Johnne finding na meane quhairby he mycht tak away the executioun of the said Cuthbertis decreittis aganis him and his haill actionis aganis him, he craftelie, in the four scoir yeir of God, causit steill him to the horne, bocht his escheit to the Maister of Elphingstoun, his gude broder, under cullour quhairof thay intromettit with the said Cuthbertis haill guidis and geir; quhilk horning, with all that followit thairupoun, the said Cuthbert, eftir lang pley, to his sumptuous chargeis and expenssis, obtenit reduceit." Further, in 1586, 1587, and 1588, the said

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increase of Sabbath-breaking, with measures for prevention and punishment; the necessity of Kirk-discipline against all who had taken part in the late insurrection at the Brig of Dee, or had in any way favoured conspiracy with Jesuits and Spaniards; "Ratification of the Liberties of the Kirk"; and provision of a sufficient stipend for every pastor of every kirk. The King, whose conduct since his return to Scotland with his young Queen three months before had been regarded as too light and jocular in Kirk matters, recovered himself greatly by his personal appearance in this Assembly and one of his speeches in it. "To please the Assemblie," says Calderwood (v. 106), "he fell furth in praising God that he was borne in suche a tyme as the tyme of the light of the Gospell to suche a place as to be King in such a Kirk, the sincerest Kirk in the world. 'The Kirk of Geneva,' said he, 'keepeth Pasche and Yuile: what have they for them? they have no institutioun. As for our neighbour Kirk in England, it is an evil masse said in English, wanting nothing but the liftings [*i.e.*, raising of the host]. I charge you, my good people, ministers, doctors, elders, nobles, gentlemen, and barons, to stand to your puritie and to exhort the people to doe the same; and I, forsuith, so long as I bruike my life and crowne, sall mainteane the same against all deidlie.' The Assemblie so rejoiced that there was nothing but loud praising of God and praying for the King for a quarter of an houre."

Johnne and others in his name had masterfully stopped the complainer from leading the teinds of the half kirk of Dunbartane, and intromitted with the same himself; "and, the lyke violence being intendit this last yeir, he meanit him to his Majestie at his last being in Dunbartane." At that time Williame Elphingstoun, by direction of his Highness, had led and stacked the said teinds in a neutral place till it should be decided to whom the same belonged; but, "immediatelie eftir his Majesteis depairting furth of the said toun, the said Johnne, in contempt of his Hienes, intromettit with the saidis teindis and careit the samyn to his place of Cragyvern, quhair he disponit thairupoun at his pleasour. For the quhilk and for sindry utheris wrangis done be him he wes denunceit and registrat at the horne; quhairat he maist proudlie yit remanis, and hes causit the Maister of Elphingstoun procuir the gift of his escheit to his use, and hes maid him assignay to his haill actionis, quha presentlie persewis the said Cuthbert be vertew of the letters of assignatioun maid thairupoun for fulfilling of his pairt of ane contract past betuix him and the said Johnne; albeit it be of veritie that be the same contract he is bund first to do and performe sindry thingis to the said Cuthbert befoir ony thingis be performit on his pairt. And, albeit thair hes bene divers submissionis past betuix thame, yit the said Johnne nevir abydis thairat, affermying that, albeit thair wer ane cairtfull of decreittis obtenit aganis him, it sould not avale unles he wer contentit. And now, seing the haill procedingis and executioun of his Hienes lawis is vilipendit and contempnit be the said Johnne, and that he still continewis in his rebellioun and dissobedience, behavand himself in all respectis as ane lawles persoun, nayther acknawlegeing his Majestie nor his authoritie, it becumis his Hienes, for honouris caus, to tak sic ordour heiranent as utheris may be terrifeit to behave thame selffis sa rebellious heireftir."—Cuthbert appearing personally, but Johnne failing to appear, though lawfully charged, the order is to denounce Johnne rebel; but, farther, in respect that the King is to repair shortly to the west, where the said Johnne chiefly resides, the Council advise his Majesty to cause him to be pursued as a traitor with fire and sword, and his castles to be demolished, for his "unnaturall and schamefull rebellioun and defectioun frome his Majestie's obedience," unless he shall obey at once the decrees obtained against him, or shall find surety to do so.

Acta 1589 91.

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Robert Christie against the Provost and Bailies of Aberdeen.

Complaint by Robert Crystie, merchant, burgess of Edinburgh, as follows:—In December last, while he was in the burgh of Abirdene, "doand his necessar effairis, louking for na troubill," Mr Thomas Menzeis of Durn, provost, Thomas Menzeis, his son, Alexander Forbes, Thomas Buk, Johnne Collisoun, bailies, George Knowis, treasurer, Alexander Cullane and David Menzeis, elder, deans of guild, Alexander Chalmer, Williame Menzeis, David Menzeis, younger, Robert Menzeis of Tulloch, David Andersoun, David Endeauch, Andro Lawsoun, Mr Johnne Cheyne, Alexander Rutherfurd, Mr Robert Paip, James Leslie, Patrik Leslie, James Seytoun, George Gordoun, George Strauchin, Malysoun, clerk, Edward Donaldsoun, and Williame Lorymer, burgesses of the said burgh,

Acta 1589-91. "upoun malice and hatrent causles consavit aganis the said complenar," seized and imprisoned him in their tolbooth, detaining him therein "in strait firmance and captivitie" till he had paid them £100,—which sum he did not owe to them or to any others within the said burgh. But, even if he had been so indebted to them, he ought to have been called, "and sum ordinar proces and sentence led and pronunceit aganis him, quhilk wes not done."—The complainer appearing personally, and the said George Knowis appearing for himself and for the other defenders, "it wes allegeit be the said George that, becaus the said Robert injurit ane nychbour of the toun of Abirdene, namyt Williame Lorymer, in the moneth of December last bipast, in presens of ane of the baillies of the samyn, as alsua misusit the haill magistrattis thairof, calland thame unworthy magistrattis and golenyeouris," he had been sentenced to pay a fine of £100 to the dean of guild of Abirdene, to be applied to the common works thereof. Nevertheless, "becaus, according to ane provisioun mentionat in the act of convictioun produceit befoir the saidis Lordis, he comperit within the parroche kirk of Abirdene eftir he wes relevit furth of the tolbuith of the same, and in tyme of precheing, in presens of the haill congregatioun convenit for hering of Goddis word, acknawlegeit his offence, cravit God, the magistrattis and the said Williame Lorymer forgevynnes," as may be seen from "the testimoniall of Maister Petir
Page 400. Blakburne, minister within the said burgh, likewyis produceit," they had modified his penalty to 100 merks.—The Lords find that the said provost and bailies had no right to inflict so great a penalty for the offence; and therefore, in respect that the complainer had been warded and had acknowledged his transgression in the manner above mentioned, they ordain the magistrates of the said burgh (Mr Johnne Cheyne only excepted, who has appeared and alleged that he knew nothing of this matter) to pay back to the said Robert the sum of 100 merks within ten days after charge, under pain of rebellion.

Caution for Dionysius and Andrew Conqueror.

Caution by Alexander Bonar of Balgirsho for Diones and Andro Conquerouris, burgesses of Perth, that they will not harm Andro Hendirsoun, "granter of Scone," under the pains in the letters against them.

Caution for Herbert Maxwell of Cavens.

Caution in 500 merks by Johnne Kirkpatrik of Dressetland for Harbert Maxwell of Cavenis, that he shall enter Robert Hereis before the Council, according to the charge executed against him at the instance of James Gordoun of Barnbarroch, in case it shall be found that he is responsible for the said Robert by the general band.

Caution for George M^cKelvie.

Registration, by Mr Johnne Moncreif, as procurator for the parties, of a band of caution by Williame Chancellar, "frank tenementar" of Scheilhill, and Robert Chancellar, his son, fiar thereof, for George M^cKellovie in Knokane, that he will not harm Johnne Kennedie of Grenane. Subscribed
Page 401. at Lanerk, 8th August, before David Blakie, burgess of Lanerk, Thomas Forrest there, and Johnne Chancellar in Quothquen.

Edinburgh, 13th Aug,

Sederunt—Domini ut in die predicto. Acta 1589-91.

Suspension of horning against Laurence Lin.

Complaint by Laurence Lyn of Bourtrehill, as follows :—During the King's absence abroad, Alexander Cunynghame of Craganis had, in name of Johnne, Lord Thirlstane, chancellor, but "without his previtie or allowance," charged the complainer to appear before the Privy Council to answer to a certain complaint, and for his non-appearance had directed other letters putting the complainer to the horn. On the ground that no proper intimation of the charge had been made to him, and also because he has now found caution for his appearance, he pleads that the said letters of horning should he suspended.—The complainer appearing, but neither Cunynghame nor Thirlstane, the Lords do suspend the letters.

Caution for Lord Fleming.

Caution in £5000 by Johnne, Lord Flemyng, as principal, and James Dowglas of Drumlanrig, as surety for him, that James Twedy of Drummelzeare, Adam Twedy of Drava, Johnne Twedy, sometime tutor of Drummelzeare, Williame Twedy of Wra, Johnne Creichtoun of Quarter, Andro Creichtoun of Cordon, and Thomas Portuous of Glenkirk, shall be harmless of the said principal.

Edinburgh, 14th Aug. Act prohibiting the transport of wines shipped at Bordeaux to certain other towns of France, and commanding such wines to be brought direct to Scotland.

The King and Council understanding that many of the lieges, "eftir thai had bocht thair wynis within the toun of Burdeaulx in France and uthiris pairtis thairaboute, and laidnit thair shippis and utheris veshellis thairwith," had, last year especially, transported the said wines "to the townis of Newheavin, Sanct Vallereis, and utheris townis inhabite be Papistis dissobedient to the authoritie of the present King of France, his Hienes ancient allya and confederat, and joynit with his Majestie in freindship and religioun, and thair sauld and disponit upoun, and than with thair saidis shippis and veschellis oftymes returnit within this realme emptie, without ony kynd of wairis proffitable to the same, howbeit thai ressavit at thair first depairting furth thairof thair laidning and victuellis thairin, oblissand thame of natural dewitie to rander sum commoditie thairto agane," and considering that this kind of trade is now become so common that not only are the said towns in France "fosterit in thair errouris and unnaturall rebellioun aganis thair Soverane Lord," but the King himself is greatly defrauded of his customs,—therefore, his Majesty, with advice of his Council, ordains proclamation charging the lieges not to transport wines from Burdeaulx or any other part of France to the said towns of Newheavin, Sanct Vallereis, or other towns inhabited by Papists disobedient to their King, but to bring the same home to their native country and there make penny thereof, paying their customs and other duties, according to the Act of the late Convention of Estates held in July last (*ante*, p. 514), under pain of confiscation of their ships and goods. Page 402.

Order to denounce John Hume in Fans and others.

Complaint by James Seytoun of Tullibody, as follows :—On 17th June last Johnne Hume in Carrelsyde, Cristell Hume in Fawnis, James Davidsoun there, Thomas Broun there, James Broun, Johnne Burnett, Jasper Cranstoun in Adinstoun, Williame Broun in Fawnis, Helene Richardsoun,

Acta 1589–91. and Walter Cesfurde, had been put to the horn at the instance of the complainer for not "flitting and removing" from his quarter and fourth part of the lands of Fawnis and allowing the complainer to enter therein. And, because they had remained at the horn unrelaxed (which they do still), the complainer had obtained letters charging them to enter in ward in the Castle of Blaknes and to render their houses to Niniane Foullis, messenger, within a certain space, under pain of treason. These letters also they have "maist tressounablie and contempnandlie" disobeyed; and yet Johnne Hume in Fawnis, Adam Lowtheane in Legerlaw, George Andirsoun, son of James Andirsoun of Quhelplaw, and Andro and James Wodis, have assisted and associated with them as if they were King's free subjects. Thus, "upoun the sevint day of Julii
Page 403. thay, in cumpany of the saidis rebellis, lay at await for the said complenair at Gordoun Mos, of purpois and intentioun, giff he had cum that way, to have invadit and persewit him of his lyffe."—Johnne Hume in Fawnis and his said accomplices, failing to appear, while the complainer appears by James Reid his procurator, are to be denounced rebels.

Carmichael of that Ilk against Preston of Craigmillar.

Suit of Johnne Carmichael of that Ilk:—David Prestoun of Craigmyller, having been called to underlie the laws for resetting divers persons put to the horn for slaughter and other crimes, had appeared personally, and, "knawand himselff gilty of the said cryme," had become altogidder in his Majesteis will thairfoir"; and since then his Majesty had declared his will to be that the said David should pay to the complainer £1000 for the "wageis of certane licht horsmen undir his charge, retenit at that tyme for his Hienes service." But, though often required to pay the said sum, Prestoun still refuses, "and on nawise will do the same without he be compellit."—Both parties appearing personally, the Lords ordain Prestoun to pay the complainer the £1000, within six days, under pain of rebellion.

Caution for James Colville.

Page 404. Caution in £500 by James Menteith of Randiefurde for James Colvill, mariner, now in ward in the tolbooth of Edinburgh, that he shall do nothing prejudicial to the "present estate of this Iland, nor the religioun now professit within the same," and in particular that he shall not go to Spayne or to other places "at the devotioun of the King of Spayne," nor yet "serve him nor ony his subjectis, nor utheris enemeyis to the said religioun, in ony thair wearis, navigationis, exploitis, nor uthirwayes be sey or land," without the King's license; also, that he shall appear before the Council upon 15 days' warning if within, and 60 days' if without, the country. Frances, Earl Bothuill, Alexander, Commendator of Culrois, and Mr Johnne Colvill of Strarudie, are sureties in relief.

Edinburgh, 15th Aug.

Caution for Ker of Linton.

Caution for Cunningham of Robertland.

Caution in 1000 merks by Thomas Ker of Cavers for Andro Ker of Lintoun, that he will not harm Thomas Ker of Mersingtoun.

Caution by Johnne Cunynghame, burgess of Edinburgh, for David Cunynghame of Robertland, that he shall pay to Thomas, Master of Glammis, treasurer, collector of the barons' tax of £40,000, and to Williame Hume, lieutenant of the King's Guard, the sum of £17 for his

part of the first term's payment of the said tax for his seventeen pound-land of Robertland, in case it shall be found that he ought. Acta 1589-91.

Caution for William Ross of Priestshill.

Caution in £2000 by Coline M^cKanzie of Kintaill for Williame Ros of Preistishill, released out of ward in the burgh of Edinburgh and allowed to go home upon the conditions following: (1) That he shall, upon 15 day's warning, enter in ward again in the said burgh by 1st November next, and remain there till he has found caution for the entry of himself Page 405. and of Johnne Ros, his bastard son, David Suthirland, fiddler, Williame Garg in Preistishill, and Thomas Ros, tailor, before the Justice in the tolbooth of Edinburgh, to answer to the crimes laid to his charge by David Monro of Nig; (2) that he shall keep ward in the said burgh till he satisfy the Treasurer-depute for his escheat fallen to the King through his having been put to the horn at the instance of the said David.

Edinburgh, 16th Aug. Caution for David Munro of Nigg.

Caution in £2000 by David Monro of Nig, as principal, and Niniane Page 406. Lowis, burgess of Edinburgh, as surety for him, that the said David shall appear personally on 15 days' warning, and enter Hucheoun Ros, *alias* Reoch, Andro M^cFiddie, Alexander Carroun, and Andro and Thomas Hendirsonis, his men, before the Justice in the tolbooth of Edinburgh, to underlie the law for their alleged coming in arms to the house and lands of Ballintrady, belonging to Williame Ros of Preistishill, upon 10th June last, "and breking up perforce of the duris thairof, reving and taking away furth of the samin of killing, ling, skait, haddokis and utheris fisheis, to the nowmer of fourty dusane," and also for the hurting and wounding of Thomas M^cConoche on the said day.

Edinburgh, 18th Aug. Caution for Grierson of Lag.

Registration, by Mr James Donnaldsoun, advocate, as procurator for the Page 405. surety, of a band of caution in £1000 by Sir James Douglas of Drumlangrig for Roger Greirsoun of Lag, that he will not harm Elizabeth Kirkpatrik, relict of Johnne Greir in Cormuligain. Subscribed at Drumlangrig, 16th August, before Mr Johnne Douglas of Craigintune, Malcolme Fleming of Litle Ares, Johnne Kirko of Glendstane.

Edinburgh, 20th Aug. Caution for James Liverance.

Registration, by Mr Williame Harvy, advocate, as procurator for the surety, of a band of caution in £500 by Johnne Murray of Touchadam for Page 406. James Luverance of Dalbaith, that he will not harm Williame Mure in the Newtoun of Bothkennair, or Alexander Mure, his son. Subscribed at Polmais, 18th August, before "James Murray, my uncle, Thomas Murray, my uncle," and Cuthbert Cunynghame, provost of Dunbartane.

Edinburgh, 24th Aug. Caution for John Grant of Freuchy *in re* Clan Gregor.

Caution by Johnne Grant of Frewchy, as principal, and Patrik Grant of Ratharmurchus, as surety for him, that he will fortify and assist Sir Duncane Campbell of Glenurquhy in the execution of his commission for pursuit of the Clan Gregour (*ante*, p. 509), rising with his whole force for pursuit of them should they come within his bounds, under pain of being held as art and part with them, and answerable for their spuilyies.

Acta 1589–91. Page 407.

Registration, by Johnne Haliday, advocate, as procurator for the principal, of a band, as follows:—Mr Hercules Rollok, master of the grammar school of Edinburgh, and James Lindsay, burgess of Dundee, having become cautioners for James Skryngeour of Dudop, constable of Dundee, that Margaret Erskin, Lady Ruthvennis, shall be harmless of him, under a penalty of 1000 merks (*ante*, p. 476), the said Constable now undertakes that the said cautioners shall be skaithless. Subscribed at Dundee, 13th April 1590, before Johnne Skryngeour of Glasswell, Johnne Skryngeour of Kirktoun, and Gilbert Skryngeour, his brother. Edinburgh, 25th Aug. Band for the Constable of Dundee.

Caution in 500 merks by Robert Lindsay of Grangestoun (Grangetounheid) for James Somervile in Carswell, that he will not harm David Watsoun in Carswell. Caution for James Somerville.

Caution by David Kinloch, burgess of Edinburgh, for Williame Simsoun, wright, burgess there, and Elizabeth Gledstanis, his spouse, in 300 merks, and for Johnne Melros, son of the said Elizabeth, in 300 merks, that they will not harm Johnne Gledstanes, Ormond pursuivant. Edinburgh, 26th Aug. Caution for William Simson and others.

Caution in £1000 by Robert Douglas of Drumgarland for George Monro of Tarrell, that he will not harm Elizabeth Ros, relict of Johnne M^{c}Culloch of Mekle Tarrell, Johnne Ros, provost of Narne, now her spouse, Mathew M^{c}Inleir in Tarrell, Donald M^{c}Carchan, fisher there, or the other tenants of the lands of Meikle Tarrell,—Williame, Earl of Mortoun, becoming surety in relief. Edinburgh, 31st Aug. Caution for George Munro.

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Sederunt—Cancellarius; Clericus Justiciarie; Blantyre; Newbottle; Clericus Registri; Lynclouden; Advocatus. Edinburgh, 1st Sept.

Mungo Carmichael of Corsbank produces a copy of the letters raised against him by James Williamesoun in Glencarne, charging him to bring two decrees obtained by him, one before the Bailie of the lordship of Douglas, and the other before the Lords of Council and Session, requiring the said James to pay to him £100, "allegeit pait be him as cautionair to Jok Johnnestoun of Kirkhill for the said James ransoun." The production of the decrees had been required in order to their suspension for certain reasons, chiefly because "payment of ransounis to thevis be Actis of Parliament and Secreit Counsaill ar expreslie dischargeit."—The said James not appearing, Mungo protests that the letters shall not be suspended, but shall be put to farther execution for repayment to him of the "soume of fifty pundis quhilk, he maid faith, he had alreddy payit to the said Jokkie Johnnestoun, and that na forder suld be procedit aganis him be vertew of the saidis letters purchest be the said James quhill he wer neulie warnit be utheris letters"; also that such order shall be taken "as alwayes the said Mungo micht be exonerit and relevit at the handis of the said Jokky of the uthir fifty pundis yit addettit to him." The Lords admit the protest and ordain accordingly. Protest by Mungo Carmichael of Corsbank.

Although there is "als grite or rather greitair disordour and dissobedi-

Ordinance that the Warden of the Middle March shall always be Provost of Jedburgh.

ence profest, for the maist parte, be the inhabitantis of the Middle Marche nor be thame of the West Marche of this realme, yit the wardane of the same Middle Marche hes not bene assisted and accumpanyed with a garisoun of horsemen and futemen, as is presentlie, and commounlie hes bene, accustumat to be grantit to the wardanis of the said West Marche, bot the said wardane of the Middle March, with his freindis, for want thairof, hes bene constranit, to thair grite chargeis and expenssis, to repair and mak thair residence for the maist parte within the burgh of Jedburgh, quhairunto the wardanis of the Marche opposite and thair deputis hes bene in use, and as yit at all tymes, bot cheiflie in the winter seasoun, mon and will repair for indenting upoun the forme of thair proceidingis, and doing of sindrie utheris gude officeis, tending to the interteneing of the publict peax betuix the twa realmes, upoun the said wardanis worde and promeis alwayes maid that thay salbe in full suirtie in thair personis and guidis in thair cuming and remaning, and quhill thay be frelie returnit agane within the realme of England: quhilk suirtie he is nocht altogidder able to caus be performit, nather keip frequent meitingis and dayis of trew with the wardane opposite, nor yit repres the insolence and reduce to his Hienes obedience the disordourit personis, inhabitantis of the said Middle Marche, and advance his Majesteis authoritie and service at all occasionis, without he, and all utheris wardanis to be constitute be his Majestie within the same Marche heireftir, have the charge, commandiment, concurrence and assistance of the inhabitantis of the said burgh of Jedburgh." Therefore, his Majesty, "quha cheiflie suld be tuicheit in honnour giff the said wardanis promeis, to be grantit to the wardane opposite and his deputis, suld onywise be violat," has, with advice of his Council, resolved that the warden of the Middle March shall be elected provost of the said burgh yearly hereafter, "and na utheris"; and, for this purpose, ordains the bailies, council, deacons of crafts, and others having vote in the election of Magistrates within the said burgh, the year approaching and yearly in time coming, to continue in the said office of provostry Williame Ker of Cesfurde, present warden of the said March, or to elect and continue Sir Robert Ker, his son and apparent heir, so long as either shall be warden of the said March.

Acts 1589-91.

Page 409.

To denounce John Castlelaw and others for not answering to a charge of Mr David Hume.

Complaint by Mr David Hume, brother of George Hume of Weddirburne and tacksman of the lands of West Brokhoillis, and of Gilbert Allane, his tenant of the same lands, as follows:—James Hewaitt in Auld Cambois, "grief" to Alexander, Lord Hume, George Liddell there, Williame Liddell there, Johnne Castellaw there, James Vartie in Auld Cambois-mylne, Johnne Robiesoun in Windylawis, Williame Johnnestoun in Pyperden, and Thomas Heriot in Dunglas, with divers rebels, and with convocation of the lieges to the number of about 80 persons, "all bodin in feir of weir," upon 7th July last, came to the complainer's lands of West Brokhoillis, lying in the shire of Beruik, and there "maisterfullie reft and tuke of the ground thairof scoir of sheip and lambis," belonging to the said Mr David, 15 oxen, one young cow, and certain other goods

Acta 1589–91. belonging to the said Gilbert, and "drave the same guidis to the manis and toun of Auld Cambes, quhair the foirnameit personis detenis thame as lauchfull pray."—The said Castellaw, Hewatt, George Liddell, Johnne Liddell, Robiesoun and Johnnstoun, not appearing to answer as charged, while Mr David Hume appears for himself and his tenant, are to be denounced rebels.

Page 410. Caution in 300 merks by Williame Watt in Abbottisgrange, as principal, and Mr Thomas Bellenden, brother of Sir Lues Bellenden of Auchnoull, as surety for him, that he will not harm Williame Mure in the Newtoun of Bothkenner, or Alexander Mure, his son. Caution for William Watt.

Sederunt—Ut in die predicto. Edinburgh, 2nd Sept.

Suit by Thomas Quhyte, Englishman, residing in Lin, as follows:—Robert Clapen and Johnne Broun, burgesses of Anstruthir, when trafficking two years ago in Lin, had became bound to Aleis Killingtrie, the complainer's mother, to deliver to her shortly within the said town certain lasts of herring, "and, in cais of failyie, to pay the heiest pryceis the said hering gaif for the tyme in the said toun." There having been "faillie," the said Thomas had been sent by his mother to this country to agree with the said burgesses as to the damages. Accordingly, he had come to Anstruthir upon 3rd August last to negotiate "upoun termes of aggreance and compositioun of the said blok" with the defenders, when "he wes threatned be thame with present violence and injurie, except that instantlie he deliverit in thair handis thair said band and obligatioun." He had been compelled, "for eschewing of thair furie for the tyme," to consign the same in the hands of Williame Blak of that town, "and be that meane to mitigat thair present rage," but always upon hope that the King and Council, "being acquented with the circumstanceis of thair proceding," would see justice done.—The Englishman appearing, with Mr Thomas Foullis, his prolocutor, the defenders, also appearing personally, allege that George Bruce in Culrois had, by a decree of the Lords of Council and Session, "evictit fra thame the price and availl of sax last of the said hering, swa that presentlie thair restis onlie twa last and foure barrellis of the same hering mentionat in the said obligatioun undeliverit be the said Johnne Broun, for the quhilk he is content to satisfie the said Thomas Quhyte as accordis," and that on this understanding the said Thomas had "frelie and voluntarilie" delivered the said obligation to the said Blak, who, by the hands of his procurator, Williame Rig, burgess of Edinburgh, now produces the same. The decision is that the obligation remain in the hands of the Clerk of Council till it be determined by law or by agreement of the parties "quhat restis fulfillit or unfulfillit thairof." Suit of an Englishman against Robert Clapen and John Brown, burgesses of Anstruther.

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Caution in 500 merks by Andro Riddell, apparent of that Ilk, for Andro Ker of Newhall, that he shall answer before the Council upon 10th October next to a complaint of Mr David Ruthirfurde and Henry Edinburgh, 3rd Sept. Caution for Andrew Ker of Newhall.

Dempstartoun, servants to Williame, Earl of Mortoun, Mathew Olipheir at Langnewtoun-mylne, Patrik Adamesoun, Adam Walker, Williame Robisoun, James Robsoun, and the other tenants of the barony of Langnewtoun,—Sir Robert Ker, apparent of Cesfurde, becoming surety in relief. Acta 1589-91.

Edinburgh, 10th Sept. Band for Katherine Carmichael and others.

Registration, by Johnne Haliday, advocate, as procurator for the surety, of a band of caution by Williame Levingstoun of Jerveswode for Katherene Carmichael, relict of Williame Creichtoun, tutor of Sanquhair, Williame Ashannane in Breoch, and James Martine, in 500 merks each, that James Gordoun of Barnbarrauch shall be harmless of them, conform to the King's letters dated at Edinburgh 31st July last. Subscribed at Jerveswode, 9th September, before Walter Carmichael of Park, Allane Levingstoun, Andro Levingstoun, his sons, and Robert Bannatyne, notary public. Page 412.

Edinburgh, 12th Sept. Caution for John Bowman.

Caution in 300 merks by Johnne Wemys of Cuthilhill for Johnne Bowman in Wester Bokclavie, that he will not harm Katherene Walwode, liferentrix of the lands of Nethir Baith, or Johnne Cunynghame, her son, fiar thereof.

Edinburgh, 13th Sept. ("April" in Register, ? mis-written.) Band for William Leslie of Creichie.

Registration, by Mr Johnne Prestoun, advocate, as procurator for Johnne Leslie of Balquhan and Williame Leslie of Crechie, of a band of caution in £1000 by the said Johnne for his "lovitt servitour and kynnisman" the said Williame, that he will not harm George Leslie of Kemmellis. Subscribed at Fettirneir, 9th September, before James Mortimer, fiar of Cragyver, Johnne Leslie of Abirsnithok, Andro Leslie, and Mr Alexander Davidsoun, notary public. Page 413.

Registration of caution for William Cuninghame of Southenik.

Registration, by Mr Thomas Gray, advocate, as procurator for the parties, of a band, as follows:—Johnne, Lord Thirlstane, chancellor, having obtained letters denouncing Williame Cunynghame of Southhenik for not answering before the Council upon 19th December last to a charge of troubling the said Lord in the living of the lordship of Cunynghameheid, disponed to him by his Highness during the ward and nonentry thereof, Adam Cunynghame of Auchinharvie and Johnne Cunynghame of Hill become sureties for the said Williame that he shall appear before the Council and answer when required, "and forder that the said Wiliame sall obtemper and obey in tyme cuming the haill contentis of the said complaint," under such penalties as shall be imposed. Subscribed at Kilmarnok Kirktoun, 19th July, before Johnne Cauldwell of Annahill, Johnne Boyd in Strand, Johnne Wallace in Dameheid, Williame Or in Puttiklaw, Hew Pouer, notary public, and Johnne Turbett, messenger. Page 414.

Edinburgh, 24th Sept. Band for the Master of Glammis.

Registration, by the principal and his surety, of a band of caution in 5000 merks by James Lyoun of Eister Ogill for Sir Thomas Lyoun of Auldbar, that the provost, bailies, council and inhabitants of Forfair shall be harm-

Acta 1589-91. less of him. Subscribed at Edinburgh, 24th September, before Cristell Setoun, burgess of Edinburgh, Thomas Ogilvy, David Falcouner, Robert Young, servitors to the said Sir Thomas, and Alexander Rutherfurde,
Page 415. burgess of Abirdene,—Patrik Glasfurde, notary public, subscribing for the cautioner, "becaus I can not write."

Sederunt—Rex; Cancellarius; Angus; Bothuill; Thesaurarius; Altree; Newbottle; Blantyre; Clericus Justiciarie; Clericus Registri; Murdocairny; Computorum Rotulator; Advocatus; Carmichael. Holyrood-house, 25th Sept.

To denounce George Inglis and James Hamilton for not answering to a complaint of Adam Wilson.

Complaint by Adam Wilsoun in Tabog that, upon 26th July last, while he was coming from the kirk of Douglas to his own house, he was "umbesett be the way be George Inglis and James Hammiltoun, vagaboundis and maisterles men," and cruelly hurt in divers parts of his body, and left for dead. They have since avowed that they were the authors of the said outrage, "howbeit at the tyme of the committing thairof they wer unknawne to him, thay being missallit."—The complainer appearing by Williame, Earl of Angus, his master, the respondents, for not appearing, are to be denounced rebels.

Dispute between the community of Aberdeen and the Provost and Magistrates thereof, especially the Menzies kin, as to the election to the magistracy and the management of affairs of the town generally: temporary decision in the matter.

Complaint by the "haill communitie, burgessis and craftismen of the burgh of Abirdene," as follows:—"The auncient liberteis and previlegeis of the said burgh, especialie anent the free electioun of magistratis thairof, hes bene thir fourescoir yeiris bigane pervertit and abrogat be the unlauchfull usurpatioun of the provestrie be the race of Menzeissis, and of all utheris cheiff officeis of the same be thame, thair kin, freindis and allya, expres aganis the lovable constitutionis of this realme and Actis of Parliament; and the saidis complenaris, foirseing the grite hurte and detriment of the commounwele of the said burgh proceding upoun the misreule and misgovernament of the saidis personis, cheiflie in the delapidating, spending and waisting of the commoun gude and rentis thairof, sufferring of the commoun werkis and uther policie of the same to decay and becum ruynous, abstracting, selling and disponing upoun the artaillierie and munitioun quhilk suld have bene keipit and augmentit for defens of the said burgh in tyme of foreyne persute, setting and disponing upoun the commoun rentis without commoun consent of the saidis complenaris, and in doing and undoing of all uthiris thingis at thair plesour,—the saidis complenaris, in respect this mater tuicheit thame in speciall, seing thay have borne and beiris the burding of the haill chargeis, taxationis and impositionis of the said burgh, and ar cheiflie interest in cais ony inconvenient happin thairto, hes, at divers tymes heirtofoir, craved and desirit
Page 416. the saidis provestis, baillies and counsaill that, be commoun consent of the haill inhabitantis, sum gude reformatioun micht be maid in materis concerning the commoun weill and policie of the same: speciallie, that ane counsaill suld be electit of the maist indifferent personis, craftismen and burgessis, ane or twa at the maist of ane freindship; that the office of

commoun clerkship suld be disponit be free vote and electioun; that the small custumes, commoun landis, takkis and uthiris casualiteis, commoun rentis and gude of the said burgh, micht be yeirlie roupit and sett to the best availl, conforme to the use and consuetude of uthiris burrowis; that compt micht be yeirlie maid of the commoun gude; that the auld evidentis, townis buikis, registeris thairof, and buikis of the new and auld constitutionis concerning the positive lawis and actis maid be thair predicessouris, micht be brocht to licht and putt in sure custodie and keiping in sum neutrall and indifferent menis handis; and that sindrie utheris abuses and enormiteis within the said burgh micht be repairit and reformeit. Quhilkis thair maist equitable demandis hes bene frome tyme to tyme denyit be the saidis provest, baillies and counsaill, and they, in the meantyme, continew in the unlauchfull dispositioun of the saidis commoun rentis and uthiris foirsaidis to thair awne freindis and utheris of thair factioun and societie; quhairthrow the same is now sa dismemberit that it will skairslie beir furth the chargeis of the commissionaris direct to Parliamentis and Generall Counsallis, mekle les repair the decayit werkis of the said burgh, swa that with tyme the haill commoun werkis and policie thairof will utterlie decay."—Charge had been duly given to Mr Thomas Menzeis of Durne, provost, Thomas Menzeis, his son and apparent heir, Alexander Forbes, Thomas Buk, bailies, Williame Menzeis, elder, Robert Menzeis of Tullois, David Menzeis, younger, David Menzeis, elder, and certain others of the Council of the said burgh, to appear this day and answer to the said complaint; and now, Mr Johnne Cheyne and Andro King, with sundry others of the pursuers, appearing personally, and the said Mr Thomas Menzeis, Thomas Menzeis, and Thomas Buk being also present, with sundry of their colleagues, the King, with advice of his Council, ordains the said provost, bailies, council, deacons of crafts and others having vote in the election of magistrates within the said burgh, "to proceid to the electioun of the same magistratis and utheris publict officiaris within the same burgh in the like forme and maner as thay have done the twa or three yeiris preceding," in presence of Ogilvy of Findlettir, Irwing of Drum, Mr James Johnnstoun, burgess of Edinburgh, Robert Andirsoun, burgess of Perth, and Robert Flesheour, burgess of Dundee; to whom or any four of them conjunctly (the Lairds of Findlettir and Drum to be always two) the King gives commission to see and report to his Majesty and Council "the samin forme and maner of electioun, togidder with thair awin opinionis quhidder thai think the same electioun meit to be allowit or alterit." Acta 1589-91.

Edinburgh, 26th Sept. Caution for James Scott.

Caution in £500 by James Donnaldsoun in Braidmedeis for James Scott, called Mekle Jamie Eister, burgess of Selkirk, that he will not harm Patrik Murray of Faulahill. Page 417.

Edinburgh, 28th Sept.

Caution by Johnne Traill, burgess of Dundee, as principal, and Johnne Arbuthnott of Lentushe (Legisland), as surety for him, in £500, and by

Acta 1589–91. Williame Leslie of Dyis for him and for Gilbert Ramsay of Leggisland in 300 merks, that George Lundy, apparent of Gorthie, shall be harmless of the said Traill and Ramsay. Caution for John Traill and Robert Ramsay.

Caution in £500 by Williame Rollok, of Ballegie, burgess of Dundee, for Robert Flesheour, burgess there, that he will not harm George Lundy, apparent of Gorthie. Caution for Robert Flesher

Holyrood-house, 29th Sept. Order to denounce a number of Buchanans for an assault on certain Macaulays at Dumbarton fair, with slaughter of one of them.

Complaint by Allane M^{c}caula of Durlyne, and by the remanent kin and friends of the late Walter M^{c}caula, son of the said Allane, Duncane M^{c}caula, also his son, Johnne Dow M^{c}Gregour in Ardinconnell, James Colhoun, son of Robert Colhoun in Porte, M^{c}caula, servitor to Robert Colhoun of Ballernie, Johnne Miller, younger in Dumfenig, and M^{c}Gibbun, son of Malcolme M^{c}Gibbun in Port, to the effect that Thomas Buquhannane in Blairlosk, sheriff depute of Dunbartane, James and Johnne, his sons, Johnne Buquhannane, burgess of Dunbartane, another of the sheriffs depute, Johnne Buquhannane in Ballagan, Thomas, Walter and Adam, his sons, Thomas Buquhannane in Balloch, George, his son, Walter Buquhannane, his brother, Duncane Buquhannane of Bratharin, Johnne Buquhannane of Auchmedin, Walter Buquhannane, burgess of Dunbartane, Archibald Allasoun M^{c}Arthour, Duncane Errole, minister at Lus, Williame Buquhannane in Baltrenith, Mungo Buquhannane in Tullichewne, James Buquhannane in Fynneich, Duncane Buquhannane, son of the late Patrik Buquhannane in Auchinmar, Buquhannane, son of the Laird of Lany, and Walter, son of Williame Buquhannane in Bollatt, with convocation of the lieges in arms to the number of persons, had, "upoun Lambmes day, the first day of August instant," in the town of Dumbarton, "eftir the proclamatioun of the fair be the schireff deputis, and commandment of all personis to keip gude reule and quietnes thairin," nevertheless "umbesett the saidis complenaris hie way and streit of the said burgh of Dunbartane, quhair thay wer in quiet and sobir maner doing thair lesum effearis and busynes within the said fair, and thair maist cruellie and unmercifullie invadit and persewit the same complenaris for thair bodilie harme and slauchteris, straik, hurte and woundit the said Duncane M^{c}caula in his heid throw the harne pan thairof, the said Johnne Dow M^{c}Gregour behind his schoulder blaid, quhairthrow his lichtis and interallis micht be sene, the said James Colhoun in his womb, the said M^{c}Cala in his schoulder, the said Johnne Miller, youngair, in his richt hand, and hes mutilit him thairof, and the said M^{c}Gibbun in his heid, to the effusioun of thair bludis in grite quantitie, and left them lyand for deid. And siclike maist shamefullie, cruellie, and unmercifullie slew the said umquhile Walter M^{c}cala."—The pursuers appearing by Allane M^{c}caula of Ardincaple, the Buquhannanis foresaid, for failing to appear, are to be denounced rebels.

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Revocation of grants made out of the King's parks.

His Majesty, availing himself of the privilege granted to him and his successors by the Act of Parliament of James II (Acts of Parl., vol. ii. pp. 31, 33), has, with advice of his Council, resolved that the royal parks of

Edinburgh, Lynlythqu, Striviling, Falkland, Torwode, Eist and West Lowmondis, "quhilkis unadvysedlie hes bene disponit, and als undiscreitlie suted and possest be sindrie personis," shall now be taken into the King's own hands, to be plenished with his own goods hereafter, or else "rowpit for the maist commoditie that may be had thairfoir," so that "his Hienes house, quhilk now be ressoun of his lait mariage is augmentit in tryne, chargeis and expenssis, may be the bettir furnist of all necessair provisioun, quhilk hardlie, without the saidis parkis and pasturis, can be utherwayes furnist." No one may in future "teill, ryve oute, saw, labour or manure the saidis parkis, woddis, and Lowmondis, or ony pairt thairof"; and all are commanded to remove themselves, their servants, horse, nolt, sheep, bestial and other goods, from the same, within 24 hours after being charged, under pain of rebellion and confiscation of the goods found therein. Acta 1589–91. Page 419.

Caution for John Gordon and others.

Caution by James Gordoun of Knokaspect for Johnne Gordoun of Albachir, Walter Barclay of Drumdelgy, Gilbert Barclay in Swalboig, Thomas Mar in Drumdelgy, and Williame Andirsoun in Carnequhelp, in 500 merks each, that they shall answer before the Council, upon 10th November next, to a complaint of Williame Paxtoun.

Caution for Kennedy of Bargany.

Caution in 1000 merks by Thomas Kennedy of Culzeane, tutor of Cassillis, for Thomas Kennedy of Bargany, that Archibald Boyll in Tarbertt, James Hog in Portincors, Johnne M°Callem in Hunterstoun, Johnne Ewing in Kelsoland, Alexander Kelso there, Andro Hude in Knok, Robert Cunynghame in Skelmourlie, Archibald Greg there, George Fleming in Skelmourlie, Robert Small, Johnne Ewing, Johnne Scott in Kellie, Alexander Hammiltoun in Auchinstoun, James Weddrow in Daff, Hector Cunynghame in Finok, Hector Cheiswell in Ardgowane, Johnne Craufurde and Thomas Byris there, Williame Morisoun in Flottertoun, Malcolme Huntair there, Andro Miller in Grenokshaw, Johnne Scott, in Stewartistenement, Johnne Lyoun there, Johnne Grenehill in Newark, Andro Galbraith there, James Lindsay in Dunrod, and the remanent traffickers and fishers within Bute and parishes of Kilbryde, Largis, Innerkip and Kilmalcolme, shall be harmless of the said Kennedy.

Holyrood-house, 2nd Oct.

Sederunt—Cancellarius; Angus; Mortoun; Montrois; Murdocairny; Clericus Registri; Lynclouden; Pittinweyme.

Act in favour of Lord Fleming, appointed ambassador to Denmark.

The King, having directed Johnne, Lord Fleming, to his dearest brother the King of Denmark and the Dukes of Maitlanburgh and Brunisweik "for certane speciall effearis concerning his Hienes and his estate," and being unwilling that the said ambassador and the persons accompanying him should be hurt in their affairs during their absence, takes him and them, with their lands, goods, and causes, under his special protection, and supersedes and continues all actions, criminal and civil, raised or to be raised against them before whatever judge, spiritual or temporal, till their return and for 30 days after,—they, however, to have legal process in all matters in the meantime. Page 420.

Acta 1589-91.

Suspension of horning against Cunningham of Southenik.

Complaint by Williame Cunynghame of Southenik, as follows:—While the King was abroad, Alexander Cunynghame of Craiganis, in name of Johnne, Lord Thirlstane, chancellor, had denounced the complainer rebel for his non-appearance to answer a complaint (*ante*, p. 532). Now, in respect that his non-appearance had been owing to insufficient delivery or intimation of the letters, and consequent "misknaulege of the said charge," and in respect also that he has found caution for his appearance upon 25th September next to answer to the said complaint, the said letters ought to be suspended.—The complainer and the said Chancellor appearing personally, and the latter alleging that the said letters were in the hands of the other defendant, the said Alexander, who is not present, the Lords do suspend the letters.

Mr Walter Wilson against Alexander Gatherer.

Page 421.

Complaint by Mr Walter Wilsoun of Brakanhillis, as follows:—Johnne Annand, provost of Elgin, having been put to the horn upon 24th July last by letters raised at the instance of the said Mr Walter, he had delivered the said letters immediately thereafter to Alexander Gadderair, sheriff clerk of Elgin, where the said rebel "hantis and remanis," desiring him to register the same conform to the Act of Parliament. But the said Alexander has not only refused to do so, but has retained the letters and will not deliver them again to the complainer.—The complainer appearing by Mr Robert Young, his procurator, but the defender neither appearing nor having delivered the letters to the complainer as already charged, the Lords once more charge the said Alexander, under pain of rebellion, to deliver them, within six hours after the charge, to the complainer "upoun his ressounable expenssis," registered "of the same date that they wer deliverit to the said Alexander."

Suspension of horning against James Lumsden of Ardrie, with statement as to certain jewels and writs of the King.

Page 422.

Complaint by James Lummisden of Ardrie and David Ferry that they have been wrongfully put to the horn for not appearing to answer before the Council "tuicheing thair allegeit haveing of certane jewellis, letters and writtis, concerning his Hienes" (*ante*, p. 517). They plead for suspension of the letters, on the ground that they had not been duly warned thereof, and also because they have found caution for their appearance upon 12th August instant.—Charge had been given to Mr David M^cGill of Cranstoun-riddell, King's advocate, to appear and answer for his Majesty's interest; and now, the said advocate making no appearance, but the complainers appearing personally, and the first of them, James Lummisden, having stated that he "ressavit a jewell fra Dame Jeane Lyoun, Countesse of Angus, quhilk, at hir desire, he laid in pledge of a soume of money to Jacob Barroun, burges of Edinburgh, unknawne to the said James that it appertenit to his Majestie, lyke as presentlie he deliverit to his Hienes selff in his awne hand certane writtis concerning his Majestie, as alswa to Alexander Hay of Eister Kennett, Clerk of Register, at his Hienes command, certane inventuris and writtis of sum jewellis and clething of his Majesteis moderis, according to a memoriall subscrivit baith be the Clerk of Register and the said James thairupoun," his Majesty therefore suspends the said letters till they shall be produced and the complainers again warned thereof.

Edinburgh, 5th Oct. Caution for Robert Crichton.

Caution by James Creichtoun of Carco for Robert Creichtoun of Cluny, that he shall pay to Sir James Hume of Coldenknowis and Sir Robert Melvill, treasurer-depute, 40s. for each poundland of the five poundland of his part of the barony of Kynnoull, if it be found he ought. Acta 1589-91.

Caution for the bailies of Forfar.

Registration, by Johnne Haliday, advocate, as procurator for the sureties, of a band of caution by David Lindsay of the Month and James Betoun of Westhall for Walter Lindsay, provost of Forfair, George Sutie, George Hunter, and Richard Dikesoun, bailies thereof, that they shall build and maintain in time coming "ane sufficient wardhous for prisonaris and keping of thame, conforme to the Act of Prevey Counsaill yister nicht maid thairanent." Subscribed at Leith, 3rd October, before Robert Erskin in Dynesmyln, Johnne Lindsay in Barneyaird, Williame Syll (? Hill), and Johnne Traill, notary.

Edinburgh, 7th Oct. Caution for the Earl of Orkney.

Caution in 600 merks by Williame Forrester, indweller of Leith [? Williame Menteith, bailie of Leith], and James Menteith of Saltcoittis, for Robert, Earl of Orknay, that he will not harm Hew Sinclair of Burghe in Zetland.

Caution for Robert Somerville.

Caution in £500 by Robert Somervile in the Manis, as principal, and Johnne Broun of Cultermanis, as surety for him, that James Diksoun in Quodquoun, Petir Kello there, James Kello there, Alexander Wilsoun in Coitland in Nethirtoun of Quodquoun, and the other tenants of the lands of Quodquoun, David Girdwode in Kerswell, Williame Tarbert there, Andro Young there, Robert Watsoun there, and the remanent tenants of the lands of Kerswell, shall be harmless of the said Robert. Page 423.

Edinburgh, 10th Oct. Caution for James Scott.

Caution in 1000 merks by James Scott of Newark, as principal, and Mr Judeane Murray, chantor of Abirdene, brother of Johnne Murray of Blakbarrony, and Petir Cullace, servitor to Francis, Earl Bothuill, as sureties for him, that the vassals, tenants and servants of Williame, Earl of Angus, shall be harmless of the said principal.

Edinburgh, 12th Oct. Caution for Sinclair of Roslin.

Registration, by Mr Alexander King, advocate, and Alexander King, advocate, as procurators for the parties, of a band of caution in 2000 merks by Williame Sinclair of Rosline, as principal, and Sir Johnne Edmestoun of that Ilk, as surety for him, that he will not harm Johnne Creichtoun of Bruntstoun. Subscribed at Ednem, 11th October, before James King, Mr Johnne Stewart, Williame Bothuill, and Johnne Diksoun.

Caution for Robert Scott of Aikwood.

Registration, by Walter Hendirsoun, writer, as procurator for the parties, of band of caution in £1000 by Patrik Murray of Faulahill for Robert Scott of Aikwode, that Williame, Earl of Angus, his kin, tenants and servants, shall be harmless of him, conform to the letters of lawburrows obtained against him at the said Lord's instance. Subscribed at Hangingshaw, 10th October, before Malcolme and James Murrayis, father-brothers to the said Patrik, and Johnne Murray, his servant. Page 424.

Acta 1589-91. *Sederunt*—Cancellarius; Neubottle; Murdocairny; Computorum Rotulator; Magister Petrus Young. Holyrood-house, 14th Oct.

The King, with advice of his Council, continues till 20th November next the letters executed against Alexander Menteith, captain of the castle of Campbell, touching the releasing of Henry Mersair furth of the same after having been put to the knowledge of an assize and convicted of "tressoun-able fyre-rasing, murthour, slauchter and utheris odious crymes committit be him," and in the meantime ordains the following persons to appear and answer on the said day "for thair proude contempt and dissobedience," under pain of rebellion: viz., Johnne Campbell of Caddell, who received his Majesty's orders to execute the said Henry "to the deid eftir the said convictioun"; James Cunynghame of Caverca, the King's justice in that part, who refused, or at least delayed, to cause execute the said Henry; in Fassowy, who lent a horse to the said Henry immediately after his escaping furth of the said Castle, whereby he "eschewit punishement dew for his demeritis." Anent the Captain of the castle of Campbell, and the case of Henry Merser, a condemned criminal, who has escaped from the same,

Page 425.

Caution by Andro Greir, burgess of Edinburgh, for Williame Greir in Drumjowane, and Johnne Greir, his son, in Lemnochtie, either of them in 500 merks, that they will not harm Quintene Crawfurde of Drumlauch, Williame Craufurde, his son and apparent heir, or Andro M^cAdam in Lemnochtie, servant to the said Quintene,—Johnne Andro subscribing for Andro and Williame, "becaus we can not write." Edinburgh, 15th Oct. Caution for William Grier and his son.

Registration, by Mr Johnne Dempstair, advocate, as procurator for the surety, of a band of caution in 300 merks by David Dempstair, fiar of Pethill, for Johnne Allane, feuar in Brechin, that James Davidsoun, merchant in Monrois, shall be harmless of him, conform to the letters of lawburrows obtained by Davidsoun against him and certain others, his colleagues. Subscribed at Brechin, 13th October, before Mathew Dempstair, citizen of Brechin, David Futhie in Hoigtoun, Johnne Ramsay, commissary of Brechin, David Gardin in Bondoche. Edinburgh, 16th Oct. Caution for John Allan.

Page 426.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the parties, of band, as follows:—Robert, Earl of Orknay, having been charged to find lawburrows for the indemnity of Hew Sinclair, under a penalty of 6000 merks (*ante*, p. 538), the said Earl, and Patrik, Master of Orknay, his son and apparent heir, James Stewart of Grymsay, his natural son, and Williame Halcro of Acris, become sureties to keep Williame Menteith, bailie of Leith, and James Menteith of Saltcoittis, skaithless in the premisses. Subscribed at Kirkwall, 7th September, before Mr Johnne Dishingtoun, Johnne Cavertoun, Magnus Hurstane. Band for the Earl of Orkney.

Caution in £500 by Robert Chancellair, younger of Scheilhill, as principal, and James Douglas of Clappertoun, as surety for him, that James Diksoun in Quodquoun, Petir Kello there, James Kello there, Alexander Wilsoun Edinburgh, 17th Oct.

Caution for Chancellor of Sheilhill.

in Coitland in Nethirtoun of Quodquoun, and the other tenants of the lands of Quodquoun, David Girdwode in Kerswell, Williame Turbett there, Andro Young there, Robert Watsoun there, and remanent occupiers of the lands of Kerswell, shall be harmless of the said principal. Acta 1589-91.

Caution for the Earl of Huntly.

Registration, by Alexander King, advocate, and Mr Thomas Craig, advocate, as procurators for the parties, of a band of caution in £1000 by Sir Patrik Gordoun of Auchindoun for George, Earl of Huntley, that Dame Agnes Sinclair, Countess of Errole, and Alexander Gordoun of Strathdowne, her spouse, shall be harmless of the said Earl in their bodies and goods. Subscribed at Boig Geycht, 9th October, before Johnne Gordoun of Bucky, Thomas Innes, parson of Bonnall, Normond Leslie, and Johnne Hammiltoun, "our servitouris." Page 427.

Edinburgh, 19th Oct. Caution for Livingston of Preston.

Caution in £500 by Johnne Levingstoun of Prestoun, as principal, and Alexander Levingstoun of Pantascan, as surety for him, that the said Johnne shall answer before the Council upon 1st November next for his alleged remaining at the horn.

Caution for Crichton of Bruntston.

Caution in 2000 merks by Johnne Creichtoun of Bruntstoun, as principal, and Johnne Wauchop, bailie of Nudrie, as surety for him, that he will not harm Williame Sinclair of Rosline.

Caution for Gordon of Pitlurg.

Registration, by Alexander King, advocate, as procurator for the surety, of a band of caution in £500 by Williame Keith of Ludquharne for Sir Johnne Gordoun of Pitlurg, that he will not harm Johnne Lyoun of Cowmalegy. Subscribed at Ludquharne, 14th October, before Alexander Baxter, Nathaniel Keyth, Thomas Pery, Mr Johnne Heriot, minister of Ellem. Page 428.

Edinburgh, 20th Oct. Caution for Cumming of Culter and others.

Caution by Adam Cuming, prior of Beulie, and James Lindsay, apparent of Douhill, for Alexander Cuming of Cultir in 1000 merks, and for Johnne Walker at the Walkmylne, Williame Irwing in the Hoilmyln, Nicol Imrie there, Thomas Cuming of Kilduithie, and James Cuming, his son, in £100 each, that they will not harm Alexander Thomesoun in Maryculter.

Caution for George Scott of Sinton.

Caution in 1000 merks by William Dalmahoy of that Ilk, merchant, burgess of Edinburgh, for George Scott of Syntoun, that he will not harm the vassals of Williame, Earl of Angus.

Edinburgh, 21st Oct. Caution for James Davidson.

Caution in 500 merks by Johnne Duncane, tailor, burgess of Abirdene, for James Davidsoun, son of the late Patrik Davidsoun, Ross herald, that he will not harm Johnne Purdy, Dingwall pursuivant.

Edinburgh, 22nd Oct. Caution for Patrick Williamson.

Caution in 1000 merks by Williame Wallace, younger of Johnnestoun, for Patrik Williamesoun, son of the late Williame Williamesoun in Garkerrow, that he will not harm Alexander Craufurde in Balgregane,—Mr Robert Williamesoun, notary public, subscribing for the said Patrik. Page 429.

Edinburgh, 28th Oct.

Caution to the same effect in £1000 by Alexander Craufurde in

Acta 1589-91. Balgregane, as principal, and Johnne Craufurde of Lochshynnoch, as surety for him. Caution for Alexander Crawford.

Caution by Thomas Hunter in Cousland for Johnne Wicht in Ormestoun, James Wicht in Cousland, and Henry Craig there, in £100 each, that they will not harm Johnne Symsoun, wright, in Cousland. Edinburgh, 30th Oct. Caution for John Wight and others.

Caution by Thomas Hammiltoun of Preistisfeild for Thomas Fawsyde of that Ilk, and Mr Robert Fawsyde, apparent of that Ilk, that they will not harm Johnne Smyth in Mussilburgh, under the pains contained in the letters executed against them. Edinburgh, 31st Oct. Caution for Fawside of that Ilk and his son.

Sederunt—Cancellarius; Angus; Mortoun; Montrois; Murdocairny; Lynclouden; Clericus Registri; Pettinweyme. Holyrood-house, 2nd Nov.

Page 430. Complaint by Sir Duncane Campbell of Glenurquhy, as follows:—The execution of the commission granted to him for pursuit and punishment of the Clan Gregour (*ante*, p. 509) is greatly retarded by the reset of the said rebels at all times within the countries of Ergyle and Athoill "be the ouersicht, allowance and permissioun of the curatouris of the Erll of Ergyle, and of the speciall baronis and gentilmen of the cuntrey of Athoill, quhairupoun the saidis Clan Gregour ar encourageit to committ all kynd of mischeiff and slauchter upoun the said complenair, and his freindis, assistaris with him in the executioun of the said commissioun." There had been such reset of them in the country of Ergyle, where they were pursued by the complainer, in July last; "and now laitlie, in the moneth of August, they have shamefullie murdreist and slane ane man of the Laird of Laweris, three men of the Laird of Glenlyoun, and ane boy of the said complenaris awne, besydis the barbarous hocheing of ky and oxin, soirning and wracking of the landis of Auchnafree, pertening to the said Laird off Laweris. Eftir the quhilk murthour, the said complenair, haveing directit ane cumpany of his speciall freindis and utheris, in the begynning of August last, to the bounds of Rannoch, for apprehensioun of ane noumer of the said Clan Gregour, denunceit rebellis and at the horne, the said Clan Gregour, being advertissit of thair cuming, fled, with thair wyffis, bairnis and guidis, to the cuntrey of Athoill and to the place of the Blair, being the said Erllis principall duelling house, quhair thay wer nocht onlie ressett be the baronis and gentilmen of the cuntrey, bot the same baronis and gentilmen, assisted with xxiiii personis of the said Clan Gregour, maist cruellie invadit and persewit the said complenaris saidis freindis with all kynd of extremitie, and as yit fortifeis, intertenyis and sufferis the said Clan Gregour to remane within the said cuntrey, quhairthrow the execution of the said commissioun is altogidder frustrat."—Charge had been duly given, under pain of rebellion, to Johnne Stewart Neilsoun in the Fos, Johnne Stewart M^c^Andro there, George Leslie, bailie of Athole, Stewart of Bonscuib, Robert Stewart in Fascastell, Alexander M^c^Intoshe Complaint of Campbell of Glenorchy, that his commission against the Clan Gregor is frustrated by reset of the fugitives in the countries of Argyle and Atholl: a number of persons to be denounced for such reset.

in Terreny, Duncane Robertsoun in Strowane, Robert Stewart M^c^Andro in Fos, Johnne Stewart and Neill Stewart, Johnne Stewart M^c^Androis son, Alexander Robertsoun, apparent of Fascalyie, Johnne and Alexander Menzeissis, his brothers, to appear personally, and also to present the following rebels before the Council, that order might be taken with them according to the general band,—viz., Allaster Prodrach M^c^Gregour, Donald Dow M^c^Connoquhy V^c^allaster, Gregour M^c^Gregour in Rore, Johnne Dow M^c^Gregour, his brother, Johnne Dow M^c^Connoquhy V^c^Allaster, Malchallum M^c^Gilliechallum V^c^Williame, Johnne Dow M^c^Challum V^c^Williame, *alias* M^c^Gregouris, Dougall Tayt; and now, the said Duncane Campbell of Glenurquhy appearing by James, Commendator of Incheffray, his procurator, but the foresaid persons not appearing, and not having presented any of the said rebels, the Lords ordain them to be denounced. Acta 1589-91. Page 431.

Band for William Sinclair.

Registration, by Williame Hart, advocate, as procurator for the surety, of a band of caution in 500 merks by Patrik Douglas of Kilspindie for Williame Sinclair, brother of James Sinclair, sometime in Gosfurdemylne, that he will not harm Alexander Achesoun of Gosfurde. Subscribed at Edinburgh, 5th October, before Thomas Crummy and Johnne Sinclair, servitors to the said Patrik, George Douglas, servitor to James Douglas, fiar of Spott,—James Tarbett, notary public, subscribing for the said Williame Sinclair.

Caution for Gabriel Spreule.

Caution in 500 merks by Williame Wallace, younger of Johnnestoun, for Gabriel Spreule in Dalquhirne, that he will not harm Johnne Spreule of Auchinbothie, or Williame Cochrane, his servant.

Protest for Mr David Rutherford and others.

Mr Patrik Murray having appeared as procurator for Mr David Ruthirfurde and Henry Dempstartoun, servants to Williame, Earl of Mortoun, Mathew Olipheir, miller at Langnewtoun-mylne, Patrik Adamesoun, Adam Walker, Williame Robiesoun and James Richiesoun, tenants of the barony of Langneutoun, and having given in a copy of the letters raised by Andro Ker of Newhall, charging the said tenants to appear before the Secret Council and produce certain other letters putting the said Andro to the horn, in order that the same might be suspended, and the said Andro now making no appearance, the said procurator protested, in respect of Andro's absence, that no effect be given to his application till the tenants abovewritten are again warned, and that, on the other hand, their letters against him shall be put to farther execution. The protest is admitted, and order is given accordingly. Page 432.

Holyrood-house, 4th Nov.

Sederunt—Rex; Cancellarius; Angus; Mortoun; Spynie; Newbottle; Murdocairny; Clericus Registri; Collector.

Suspension of horning against George Martin, who complains that he is overtaxed.

Complaint by George Martin of Cardon, as follows:—He is charged by general letters, raised at the instance of Archibald Prymrois, collector general of the taxation of £100,000 granted to his Majesty by the Estates, to pay to the said Archibald, or to Alexander Stobo, messenger,

Acta 1589-91. executioner of the said letters, the sum of £10, 13s. 4d. for his part of the first, second and third terms' payment of the said tax, for his lands of Sillibabie, in the barony of Brint Iland *alias* Wester Kinghorne, regality of Dunfermling, and shire of Fyffe, within ten days after being charged, under pain of rebellion; and for his alleged disobedience it is intended to put him to the horn. Now, the said lands formerly belonged in temporality to the abbey of Dumfermling, and at present they belong to Sir Robert Melvill of Murdocairny, treasurer, who, being one of the officers of State, is exempted from all taxations. "And, in cais ony taxatioun may be craved for the said complenaris landis foirsaidis, yit it is of veritie that he hes maid payment of the soume of v lib. vi s. viii d. to the said Sir Robert and his servand in his name, according to the taxt roll of the said barony sett doun be him, and that lang befoir the charge foirsaid," as the acquittance thereof subscribed by Mr Hew Myllis, servitor to the said Sir Robert, appointed for receiving the taxation of the said barony, proports. "Quhilk soume of v li. vi s. viii d. surmontis and exceidis the ordour sett doun within the said baronie, in sa far as thair is na mair suted be the said Sir Robert for the landis thairof bot the yeiris maill in contentatioun of the saidis haill three termes; and, giff the said complenair had bene na forder burdynnit with the said taxt bot according to the said
Page 433. ordour, he suld have bene na forder astricted bot in payment of the soume of , quhilk is the deuitie of his said landis contenit in his infeftment of the same, as the said infeftment can testifie. And swa, the said complenair haveing alreddy maid forder payment to the said Sir Robert nor his saidis landis extendis, na executioun aucht to be usit aganis him be the said collector for payment thairof to him; bot, giff ony executioun aucht to be usit thairfoir, the samin aucht to be usit aganis the said Sir Robert, his Majesteis immediat tennent of the said barony. Attour, in cais ony executioun micht be usit aganis the said complenair for payment of ony taxatioun for his landis foirsaidis, quhilk is nocht granted, yit the samin aucht to be reulit and na forder extendit bot according to the ordour sett doun, not onlie be his Majestie and the saidis Lordis, bot alswa be the Lordis of Counsaill and Sessioun, modifeing foure oxingait of land to be equivalent to twa husbandlandis, and twa husbandlandis to ane pund land of auld extent, quhilk is the ordour ressavit and appointit for payment of the taxatioun of the temporall landis of the abbay of Dunfermling, as is notourlie knawne. And trew it is that the said complenaris haill landis of Sillibabie extendis onlie to saxtene oxingait of land, quhilk, being reduceit be the ordour foirsaid in pundlandis, extendis onlie to foure pund land, the taxt quhairof, according to the generall ordinance sett doun for payment of the said taxatioun, extendis onlie to the soume of sax pundis; quhilk, for obedience of the command of the saidis letters, the said complenair hes not onlie consignit, but prejudice of his repetitioun of the soume abonewrittin payit be him to the said Sir Robert in cais it beis foundin he had richt thairto, bot [?and] alswa but prejudice of his repetitioun of the soume of sax pundis quhilk he hes now

consignit in cais the said complenair hes nocht richt thairto, bot alswa hes instantlie found caution for payment to the said collector of quhatsumevir the said complener salbe forder fundin addebtit to him nor the soume foirsaid, the samin being liquidat and tryit as effeiris."—The said George and Archibald appearing personally, the Lords, with consent of the latter, suspend the said letters *simpliciter* in time coming. Acta 1589-91.

Caution for Edward Abercromby and others.

Caution by Alexander Blair of Bagray (Balgra), and Johnne Creichtoun, fiar of Innernytie, for Edward Abircrumby in Lefny, Alexander Abircrumby, his son, Silvester Chopman there, David Broun there, Patrik Blair there, David and Robert, his brothers there, Williame Chopman, servant to the said Silvester, Alexander Blair in Innerbus, Johnne Robertsoun in Lefny, Williame Sydie there, David Moreis there, Thomas Wichtane there, Petir Young there, Michael Bruce in Scone, and Mr Johnne Abircrumby, minister at Scone, in 300 merks each, that Thomas Grant in Scone-Lefnay shall be harmless of the said persons.

Act anent the election of magistrates for Jedburgh.

The King, with advice of his Council, assigns 24th November instant to Williame Ker of Cesfurde, and Sir Robert Ker, younger of Cesfurde, his son and apparent heir, to prove that the election of Williame Ruthirfurde, called Gray Will, and others his colleagues (who are all personally present), to the offices of provost, bailies and council of Jedburgh for this year, was not "upoun the ordinair and accustumat day, nor yit upoun the ordinair and accustumat hour and tyme of electioun of thair magistratis," but upon another day and hour, "undir silence of nicht, not being ordiner nor accustumat"; and, in the meantime, ordains the said Williame and Sir Robert, his depute, elected to the office of provost, and the remanent magistrates chosen within the said burgh last year, "to be continewit, reverenceit, acknaulegeit and obeyit" as magistrates of the same till the day foresaid. Page 434.

Edinburgh, 5th Nov.
Caution for Learmonth of Dairsie and others.

Caution by James Leirmonth of Bacomie for James Leirmonth of Dersy in £1000, and for Williame Leirmonth, his son and apparent heir, and Patrik Leirmonth, his brother, either of them in 500 merks, that they will not harm Johnne Carstairis, portioner of Raderny, George Wilsoun there, Johnne Masone there, Johnne Blak there, or Thomas Martine there.

Holyrood-house, 6th Nov.

Sederunt—REX; Cancellarius; Angus; Neubottle; Murdocairny; Clericus Registri; Computorum Rotulator; Pettinweyme.

Order to denounce Archibald Mure and others on a charge brought against them by Lady Glengarnock.

Complaint by Elizabeth Scott, Lady Glengarnok, younger, as follows:—The houses and lands of Crawfeild belong to her in conjunct fee and liferent, and she had long been in peaceable possession of the same, till 14th September last, when Archibald Mure at the Kirk of Mure, Johnne Hommill of Ruchewode, Hew Hommill, Hew Mure, Johnne Mure, bastard son of the Laird of Cauldwell, Daniel Montgomerie, Johnne Montgomerie of Chappell, Johnne Hammiltoun in Brumehill, Alexander Dunlop, Gelis Craufurde, Lady Rouchwode, Johnne Mure, brother of Archibald Mure,

Acta 1589-91. Johnne Mure, son of Hew Mure, David Wilsoun, servant to the said Archibald Mure, Robert and Alexander Hommillis, sons of the said Laird of Ruchwode, and Robert Boyd in Boydstoun, and their accomplices, with convocation of the lieges, to the number of 40 persons, "bodin in feir of weir," came to the complainer's houses of Crawfeild, "and thair not onlie maist cruellie and unmercifullie struke and dang Hew Wilsoun and
Page 435. Jonnett Or, hir tennentis and servandis, being thairin for the tyme, to the effusioun of thair blude in grite quantitie," but also violently evicted them furth of the said houses and of her lands "and intrusit thameselffis in the possessioun thairof," intending to allocate the same among "sic of the saidis personis as thay think meitast."—The complainer appearing by her procurator, the accused, for not appearing as charged, are to be denounced rebels.

James Nisbet, keeper of the tolbooth of Edinburgh, against Raulff Ker of Shaw.

Suit at the instance of James Nesbitt, keeper of the tolbooth of Edinburgh, as follows:—Raulff Ker of Shaw and the late James Ormestoun having been warded in the said tolbooth for certain crimes, Patrik Crummy used to repair daily to them, the complainer "beleving na sic thing as the said Raulff Ker had divisit," and having therefore ordered his servants to grant him access whenever he craved the same, "At quhilk tyme the said Raulff Ker of Shaw devisit the maner and forme how he micht procuir his libertie and the libertie of the said James Ormestoun, and willit the said Patrik Crummy to follow and use his directioun and counsaill thairanent: quha, upoun the day of 1589, accompanyed with certane personis bodin in feir of weir, come to the said tolbuith in the glowming of the nicht, and, haveing choppit at the yett thairof, cravit that he micht speik bot ane worde with the said Raulff Ker of Shaw; quhais cuming being undirstand to the said Raulff, he with the said James Ormestoune come to the yett of the said tolbuith, and, the said yett being opynnit be Williame Broun, servand to the said complenair, to have lattin in the said Patrik, the said Raulff [Ker of] Shaw immediatlie putt the said Williame furth at the said yett, held the same yett oppin perforce quhill the said James Ormestoun eschewit furth thairof, and thaireftir he followit himselff." All this was not only "in hie and proude contempt of his Hienes authoritie and lawis," but also to the heavy loss of the complainer, Ormestoun then owing him 100 merks for his board and expenses during his ward, and Ker owing him £16 "for his awne furnissing"; which sums the said Raulff ought to be compelled to
Page 436. pay to the complainer.—The complainer appearing by his son, but Raulff neither appearing nor having paid the said sums as already charged, the Lords again ordain him to pay within six days after the charge, under pain of rebellion.

Order to denounce Cuthbert Semple.

Preamble runs as follows:—"Anent oure Soverane Lordis letters direct makand mentioun: Forsamekle as the Kingis Majestie, his Nobilitie, Counsaill and Esteatis presentlie convenit [*ante*, p. 490], undirstanding the grite contempt and inobedience enterit and continewing in all pairtis of this realme, throw the multitude of personis contempnandlie lying at the

horne, alsweill for criminale as civile caussis, to the dishonnour of the Kingis Majestie and grite prejudice of complenaris, and yit nawayes willing that sic as hes satisfeit pairteis and obtenit thame selffis ordourlie relaxt fra the horne in dew tyme befoir thair esheitis fell salbe troublit or sustene skaith, althogh thair names be standing in registeris as denunceit."—The Act then proceeds to record that, charge having been duly given to Cuthbert Semple of Auchinbothie to appear this day before the Council to answer for his wilful remaining at the processs of horn led against him by Margaret Wallace, relict of James Stewart of Ardgowane, for not paying to her the sum of £100, "as for the principal, and xx s. for expenssis of pley," under the pain of rebellion, and the said Cuthbert not having appeared, the Lords ordain him to be denounced rebel, and his goods to be immediately intromitted with and inbrought to the treasurer-depute, for the King's use as escheat; all sheriffs, stewards, magistrates, barons, and gentlemen of the country "maist ewest", being charged to assist the officers of arms in the executioun of this Act, and the lieges to be commanded by open proclamation not to intercommune with the said Cuthbert, or furnish him with "meit, drink, house or harborie, during the tyme of his rebellioun, bot to tak, apprehend, putt and detene him in sure firmance and captivitie, or utherwise to bring and present him befoir his Majestie and his Counsaill, quhairthrow he may be punist for his demeritis, conforme to the lawis of this realme," under pain of being held as art and part with him in his rebellion. Acta 1589–91. Page 437.

Holyrood-house, 11th Nov.

Sederunt—Cancellarius; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Murdocairny; Barnbarrauch; Culluthie; Pettinweyme.

Order to denounce Lord Somerville.

Repetition verbatim of the preamble to last Act: sequel to the effect that, charge having been given to Hew, Lord Somervile, to answer this day "for his proude and wilfull remaning at the horne," with certification that if he failed "he suld be persewit thaireftir with fyre and swerd," and the said Lord nevertheless making no appearance, order is given to denounce him rebel and otherwise proceed with him "as in the uther Act abonewrittin."

Order to denounce Andrew Hawick and others.

Complaint by Mr Robert Cheyne of Ur, commissary of Zetland, as follows:—Upon 11th April last, he "cumand to Sanct Gregoreis kirk of Northeavin in Northema in Zetland, as place quhair he is accustumat to sitt for administratioun of justice to all his Hienes liegis within the boundis of Zetland, and being within the kirkyaird thairof, reddy to have sittin doun for administratioun of justice, thair being actioun intentit that day befoir the said Commissar at the instance of ane pure wedow, callit Marione Johnesdochter, aganis Andro Hawik," the said Andro, and Daniel Hawik, his brother, Johnne Strang, Williame Wilsoun, and others, had "come to the said kirkyaird, he being thair in quiet and peaceable maner destitute of all kynd of waponis, and, eftir thay had inquirit quhairfoir the said Page 438.

Acta 1589–91. Commissair had directit summondis aganis thame, and that he had answerit that it wes to do justice to ane pure wedow, the saidis personis, without ony forder motioun or occasioun gevin be him, immediatlie thaireftir straik him at anes in the heid and shoulderis with three [? their] swerdis, and hes hurte and woundit him upoun the heid and face, to the effusioun of his blude in grite quantitie."—The complainer appearing by his procurator, the said Andro, Daniel, and Williame, for failing to appear, are to be denounced rebels.

Caution for John Gordon.

Caution in 300 merks by Johnne Gordoun of Awachie, as principal, and George Dunbar of Conzie, as surety for him, that he will not harm Williame Paxtoun.

Caution for William Anderson.

Caution to the same effect in 300 merks by Williame Andirsoun in Strabogy, as principal, and Johnne Gordoun of Awachie and James Ker of Spynie, as sureties for him.

Edinburgh, 12th Nov. Caution for Gilbert Barclay.

Caution to the same effect in 300 merks by Gilbert Barclay in Swalbog, as principal, and George Bissett, burgess of Abirdene, as surety for him.

Edinburgh, 13th Nov. Caution for Alexander Dunlop and others.

Caution in 500 merks by Robert Mure of Cauldwell for Alexander Dunlop in Crafeild, Gelis Craufurde, relict of Hew Dunlop in Crafeild, Johnne Hommill of Ruchwode, Archibald Mure at the Kirk of Beth, Hew Mure there, Robert and Alexander Hommillis, that they shall answer before the Council upon 20th December next to the complaint of Elizabeth Scott, Lady Glengarnok.

Page 439. Edinburgh, 16th Nov. Caution for John Kennedy of Grenan.

Registration, by David Reid, as procurator for the surety, of a band of caution in £1000 by Johnne Kennedy of Baltersane for Johnne Kennedy of Grenane, that George M°Kelvie in Knoklin, and Patrik M°Kelvie, his son, shall be harmless of him, conform to their letters of lawburrows raised against him, dated at Edinburgh 28th July anno regni 23rd. Subscribed at Beltersane, 6th November, before Johnne Kennedy, brother of the late David Kennedy of Knokdaw, Lancelot Kennedy, and Allane Gairdner.

Caution for James Affleck and others.

Caution by Robert Hammiltoun of Newtoun, son and apparent heir of Sir Andro Hammiltoun of Goslintoun, for James (? Thomas) Afflek (Auchinlek) of Tuedy, in 500 merks, and for Richard Weir in Blakwodyairdis, Thomas Miller in Stanehous, Johnne Hammiltoun, called the Vicar, Thomas Weir in Cromoth, Johnne Hammiltoun in Langrig, Alexander Hammiltoun, his son, Adam Steill in Hesildene, and Adam Patoun there, in 200 merks each, that they will not harm Marione Raa, her bairns or servants.

Page 440. Edinburgh, 17th Nov. Caution for Thomas Martin and others.

Caution by James Wemys of Lathokker for Thomas Martine in Laderny, Johnne Carstairis there, Johnne Watsoun there, Johnne Masoun there, George Wilsoun there, and Johnne Blak there, in £500 each, that they will not harm James Leirmonth of Dersy, Williame Leirmonth, his eldest son and apparent heir, or Patrik Leirmonth, his brother.

Charge to the Laird of Grant.

Charge to Johnne Grant of Freuchy to appear personally and present Johnne Grant, tutor of Ballindalloch, before the Council upon day of December next, to answer for his "odious attemptatis" against the King and his authority, under pain of rebellion. Acta 1589-91.

Order in connection with the above charge.

His Majesty having resolved to take order with "the present misreule" of Johnne Grant of Freuchy, and those for whom he is liable by the general band, and having charged him as above therefore, and to the effect that the King's "gude intentioun tending to the observatioun of his Hienes peax" be not "hinderit be ony new motioun, convocatioun or persute to be maid in the meantyme," charge is to be given to all the lieges, by proclamation at the market crosses of Abirdene, Banff, Elgin, Fores, Narne, Invernes, and other places needful, forbidding them to convocate in arms, or to convene by virtue of any royal commissions allowing them to do so, but to keep good rule "ay and quhill his Majestie have tane ordour anent the said misreule and giff forder directioun thairanent," under the pains contained in the Acts of Parliament against armed convocation of the lieges.

Charge to the Earl of Mar.

Charge to Johnne, Earl of Mar, to present , entered by Johnne Grant of Freuchy as pledge for the good rule of himself and others for whom he is bound, before the Council upon , "to undirly punishement" for the misrule of the said Johnne and his men.

Edinburgh, 18th Nov. Caution for William Ross

Caution by Johnne Cuming, younger of Eirinsyde, and Johnne Ros, provost of Narne, in £1000, for Williame Ros of Preistishill, that he will not harm David Monro, portioner of Nig. Page 441.

Edinburgh, 19th Nov. Caution for Gilbert Acannan.

Registration, by Mr Alexander Thomesoun, advocate, as procurator for the surety, of a band of caution in 1000 merks by Williame Gordoun of Crachlaw for Gilbert Acannan in Nindrochwode, that he will not harm James Sinclair of Glen, George Sinclair, son of Johnne Sinclair of Erlistoun, or Johnne Sinclair, son of Thomas in Ardocht. Subscribed at the place of Kenmuir, 12th November, before Alexander Gordoun of Barskeoch, Williame Gordoun, brother of Johnne Gordoun of Troquhane, and Alexander Wauch, servitor to Gordoun of Barskeoch.

Holyrood-house, 20th Nov. Charge against Mr James Gordon and other papists.

"The Kingis Majestie and Lordis of Secrete Counsaill undirstanding the seditious and crafty practizes of Mr James Gordoun, fader bruthir to George, Erll of Huntlie, Douglas, sone to Williame, Erll of Angus, and David Grahame of Fintrey, excommunicattis, and utheris Papistis and Jesuittis, still continewing in perswading and allureing the simple and ignorant people not onlie to declyne and mak defectioun frome the trew religioun presentlie professit within this realme, bot als frome thair dew obediens aucht to his Majestie, thair Soverane Lord, trafficque and intelligence at all tymes being intertenyit be thame to this effect with uthiris of thair factioun and sect, baith within and outwith this realme, and passingeris passing to and fra thame, carying mony tressonabell and Page 442.

Acta 1589–91. dangerous letters, writtingis and messageis, to the appeirand hurte of the said trew religioun and perelling of his Majesteis persone and estate, giff tymous remeid be nocht providit: And thairfoir ordanis letters to be direct chargeing the personis foirsaidis to pas and entir thair personis in warde within the severall placeis and pairtis undirwrittin,—thay ar to say, the said Mr James Gordoun within the place and fortalice of , and twa myllis aboute; the said Douglas within the place and fortalice of , and twa myllis aboute; the said David Grahame within the place and fortalice of , and twa myllis aboute: and that thai enter within the saidis severale wardis appointit to thame in maner foirsaid within dayis nixt eftir the charge, and remane and keip warde thairin, and on nawayes transcend the saidis boundis thaireftir, ay and quhill thai be lauchfullie fred be his Majestie with advise of his Counsaill, undir the pane of deid."[1]

Caution in 500 merks by Robert Hammiltoun of Heuchheid for Alexander Hammiltoun of Nethirfeild, that he will not harm Marione Raa. Edinburgh, 21st Nov. Caution for Alexander Hamilton.

Caution by Mr Patrik Quhytlaw of Newgrange, and Patrik Quhytlaw, his eldest son, for Hew Maxwell, apparent of Teling, and Patrik and David Maxwellis, his brothers, in 300 merks each, that they will not harm Johnne Gray, brother of Andro Gray of Lour. Edinburgh, 23rd Nov. Caution for Hew Maxwell and others.

Caution to the same effect by Robert Bruce of Pitlethie, and Robert Bruce, his eldest son, for George, Robert, Thomas, and Hew Maxwellis, brothers of David Maxwell of Teling, in 300 merks each. Caution for George Maxwell and others.

Caution to the same effect in 1000 merks by Williame Grahame of Claverous for David Maxwell of Teling. Caution for David Maxwell.

Registration, by Walter Hendirsoun, as procurator for the said principal, David Mawxell of Teling, of a band whereby the said David relieves his cautioner of his said obligation. Mr Williame Oliphant and Henry Balfour are conjoined with the said procurator for recording this band in the books of Council and commissary books of Sanctandrois. Subscribed at Miltoun of Teling, 19th November, before Hew Maxwell, his brother, David Maxwell, his son, David Ardes, servitor in Teling, and Andro Gib, notary. Edinburgh, 24th Nov. Band for relief of Graham of Claverhouse.

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Registration, by Walter Hendirsoun, as procurator for the parties, of a band to the effect that, Robert Bruce of Pitlethie having become surety for George Maxwell in Balgrow, Thomas Maxwell in Pelkennok, Robert Max- Band for the relief of the cautioners abovewritten.

[1] There had been far less alacrity of late in executing the laws against Jesuits and seminary priests than the clergy desired or than had been anticipated from the King's speech in the last General Assembly (*ante*, p. 523, footnote). "Upon Tuisday the 15th of September," says Calderwood (v. 112), "the Presbyterie of Edinburgh were advertised by a letter from the Presbyterie of Kirkcaldie that Sir Robert Melvill and the magistrats of Bruntisland refused to apprehend Mr James Gordoun, Jesuit, being desired by the minister, alledging the King had givin him a warrant to keep his residence there. Mr Craig, at the desire of the Presbyterie, advertised the King. The King promised to take order with one or two of the meanest that resorted to him; but no word of the greater sort, nor of himself."

well, portioner in Lumlathin, and Hew Maxwell (*ante*, p. 549), the said persons are to keep him skaithless in the premisses. Williame Oliphant and Walter Hendirsoun are the procurators for registering the band; which is subscribed at Teling, 19th November, before Mr Patrik Quhytlaw of Newgrange, Patrik Quhytlaw, his son, Johnne Maxwell, and David Ardes. Acta 1589 91.

Edinburgh, 25th Nov. Caution for John Neill and John Miller.

Caution by James Blair of Middle Auchingrand (Auchindran) for Johnne Neill, elder, in Alloway, and Johnne Miller, elder, there, each in 500 merks, that they will not harm Archibald Fergussill.

Edinburgh, 27th Nov. Caution for Cunningham. of Caprinton.

Caution in £1000 by Alexander Cunynghame of Craganis for Williame Cunynghame of Caprintoun, that he will not harm Andro Shaw of Sornebeg. Page 444.

Holyrood-house, 28th Nov.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Montrois; Thesaurarius; Neubottle; Murdocairny; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Barnbarrauch; Pittinweyme.

Act for a tax on the inhabitants of the burgh of the Canongate and the Regality of Broughton, for building a new tolbooth for the Canongate.

The King and Council understand that the "hous of justice, uthirwayes callit the tolbuith of the Cannogait, is altogidder becum ruynous, decayit and fallin doun, swa that presentlie the magistratis of the Cannogait ar not onlie destitute of ane commoun house for ministratioun of justice, bot als of ane sufficient warde for keiping of malefactouris, quha, being wardit hithertillis in sic houssis as micht be had for the tyme, hes oftymes, be ressoun of the insufficiencie of the same houssis, fred thameselffis furth thairof, and swa eshaiped punishment." They understand also that, for remedy, Sir Leues Bellenden of Auchnoull, justice-clerk, superior of the regality and barony of Brochtoun, and the bailies, council and community of the said burgh, have, after long consultation, begun to build a sufficient house, "with strang wardis for keiping of the saidis malefactouris," which, however, "can not easilie be perfyted and endit (the samin being grite and sumptuus) without the support and help of the haill inhabitantis of the said regalitie, barony and burgh." Accordingly, the King, moved by a petition presented by the lord of the said regality and community of the said burgh, has concluded that £1000 shall be contributed by the said regality and another £1000 by the said burgh, without exception of persons; and for the collecting of the said sums the said Lord and Bailies are required to nominate certain persons within their bounds, who, on being so nominated and elected, shall be charged to "proceid and taxt thair nichtbouris and mak ane taxt roll thairupoun," within three days after being charged, under pain of rebellion. The persons so taxed are then to make payment, each one for his own part, "according to the taxt roll to be maid," to the appointed collector, under the same penalty.

Caution for James Geddes.

Caution in 1000 merks by George Patersoun, burgess of Edinburgh, for James Geddes of Glencotha, that he will not harm Andro Broun in Edmestoun,—Johnne Andro subscribing for the said George.

Acta 1589–91. Page 445.

Caution by Alexander, Lord Hume, and Hew, Lord Somervile, for James Twedy of Drummelzeair in 5000 merks, for Adam Tuedy of Dreva in £2000, for Williame Tuedy of the Wra in 2000 merks, for Johnne Creichtoun of Quarter and Thomas Porteous of Glenkirk in 1000 merks each, and for Andro Crechtoun of Cordon in 500 merks, that Williame Veche of Dawik, Williame Veche, his son, George Veche, brother to the said Williame Veche of Dawik, James Veche in Curop, Adam Veche in Feythen, Alexander Veche, his brother, Alexander Veche in Hammiltoun, Alexander Veche in Peblis, Robert Veche, son of Walter Veche in Syntoun, Johnne Veche in Clerkland, and Johnne Veche, son of the said Walter Veche in Syntoun, shall be harmless of the said persons. Edinburgh, 1st Dec. Caution for Tweedie of Drumelzier and his friends.

Registration, by Mr Thomas Mauer, advocate, as procurator for the parties, of a band of caution in 1000 merks by Mr Hector Monro of Foullis for Hucheoun Monro of Assint, that Johnne Monro, son and heir of the late George Monro of Limlair, Andro Monro of Newmoir, his tutor, and Katherene Monro, the said late George's spouse, shall be harmless of him. Subscribed at Foullis, 5th November, before Hucheoun Monro, apparent of Urquhart, Johnne Monro, son of the late Robert Monro of Foullis, and Johnne Monro, writer. Edinburgh, 3rd Dec. Caution for Hugh Munro of Assynt.

Sederunt—PRESENTE REGE—Cancellarius; Thesaurarius; Neubottle; Blantyre; Murdocairny; Clericus Registri; Computorum Rotulator; Menmure; Pettinweyme; Culluthie; Halyairdis; Magister Petrus Young. Holyroodhouse, 4th Dec.

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"The Kingis Majestie considdering how inoportunelie he is dalie fasheit with the indiscreit behaviour and dealing of sindrie his subjectis, quhilkis, without reverence of his Hienes or ackuaulegeing of thameselffis and the nature of thair suitis, and without respect of tyme, place and utheris circumstanceis requisite, ceissis not to present signatouris, letters and petitionis to his Majesteis selff, and to urge the granting and passing of the same than instantlie, his Majestie not being avisit nor treulie informeit of the treuth of the caussis, and the validitie of the materis suted, be his ordinair officiaris appointit be the Actis of Parliament and Secreit Counsale to ressave and present sic signaturis and letters, swa that heirby not onlie confusioun and disordour daylie incressis, bot his Hienes propir rent and patrimonie, quhairupoun his estate and house suld be intertenyit, is gritlie hurte and diminisheit,—For remeid quhairof in tyme cuming, his Majestie, with advise of his Secrete Counsaill, hes concludit and ordanit that na signaturis nor utheris letters salbe presentit to be subscrivit be his Majestie bot be the ordinair officiaris of the Estate, or thair deputis, to quhome sic thingis propirlie appertenis; and that all signaturis and uthiris letters concerning his Hienes propirtie be presentit and red in presens of his Majestie and of the noumer of nyne personis of his Hienes chekker at the leist, sittand togidder in chekker, be quhome nathing sall pas nor expeid concerning his said propirtie without the samin New act anent presentation of letters for the King's signature.

be for seand caussis, swa found and declairit be his Hienes and the saidis Lordis, and swa testifeit be the subscriptionis to the saidis signaturis and letters of his Hienes, and of David Seytoun of Parbroth, his Hienes comptroller, Walter, Commendatair of Blantyre, keipair of his Hienes prevey seile, Alexander Hay of Eister Kennett, clerk of register, and Mr David Carnegy of Culluthy, conjunctlie, quhome his Majestie and the saidis Lordis hes appointit and ordanit to be ansuerable and debtour for quhatsumevir thing of his propirtie that salbe exped or past uthirwayes nor is befoir expressit: dischargeing be thir presentis the keiparis of his Hienes signet, prevey and grite seillis, off all passing of ony thing concerning his said propirtie throw the saidis seillis not being past and subscrivit in maner foirsaid, and of thair officeis in that pairt." Acta 1589-91.

Discharge of all past commissions of lieutenancy and justiciary.

The King and his Council considering "the grite disordour and inconvenient that hes fallin oute and dalie is liklie to fall oute be the granting of certane commissionis of justiciarie to divers personis, quhilkis for the maist pairt wer socht and purchest not sa mekle upoun a respect thay had to the setting fordwart of justice and using of punishment for the crymes expressit thairin, as for thair awne particulair proffeit and using of revengement upoun personis aganis quhome thai professit evill will and inimitie, as planelie appeiris be the deidlie feidis and quarrellis that heirupoun hes fallin oute amangis sindrie noblemen and utheris,—yea, sum, undir cullour of the same commissionis, being acquite of crymes quhairof they wer gilty and deservit maist rigorous and extreme punishment, swa that heirby not onlie justice is mokked, grite disordour and confusioun fosterit, the nocent spairit and the innocent punist, bot his Majestie and his authoritie is maist heichlie contempnit and vilipendit,"—Therefore, his Majesty, with advice of his Council, annuls all and sundry commissions of justiciary and lieutenandry granted to whatever persons in time past. Proclamation hereof is ordered at the market crosses, with intimation at the same time that the King has deserted the diet appointed for producing before him and his Council the commissions of justiciary passed to Johnne, Lord Hammiltoun, on the one part, and Williame, Earl of Angus, on the other part, "quhairthrow thai pretend na ignorance of the samin, nor be movit to mak unnecessarie travell for keiping of the said dyet."

Caution for William Jack.

Caution by Williame Jak, notary, at the kirk of Deir, as principal, and Hew Craufurde in Wittingishill, as surety for him, in 300 merks, that he shall deliver the place of Deir, with its goods and gear, to the officer executing the letters raised against him by Robert, Lord Altree, in case it shall be found that he ought. Page 447.

Caution for James Paterson.

Caution by James Patersoun of Biggarsheillis, as principal, and George Patersoun, burgess of Edinburgh, as surety for him, in 500 merks, that he will not harm Andro Broun in Edmestoun,—John Andro subscribing for both principal and surety, who cannot write.

Caution for Lucas Wilson.

Caution to the same effect in 500 merks by Lucas Wilsoun in Biggar, as principal, and James Wilsoun, son of the late Lucas Wilsoun, burgess of Edinburgh, as surety for him.

Acta 1589-91. Caution to the same effect in 500 merks by George Geddes, chamberlain to the Lord Fleming, as principal, and Johnne Hay of Smithfeild, as surety for him. Edinburgh, 5th Dec. Caution for George Geddes.

Caution to the same effect by Williame Broun in Edmestoun, as principal, and James Fleming of Carwode, as surety for him. Edinburgh, 7th Dec. Caution for William Brown.

Sederunt—Cancellarius; Thesaurarius; Newbottle; Blantyre; Clericus Registri; Computorum Rotulator; Magister Petrus Young. Holyrood-house, 9th Dec.

Complaint by Marione Spens, heretrix of the third part of the lands of Kilmukis, with the fortalice and manor place thereof, James Bellenden of Spittell, her spouse, for his interest, and Williame Coilyeair, their tenant, as follows:—Marione and her husband had, for divers years, been in peaceable possession of their said lands and place, till the 19th of November last, when David Sibbald of Lethem, James Robertsoun, Johnne Balfour, Stevin Bell, Foirman, his servants, and Johnne Sibbald in the Wemys, with their armed accomplices, came to the said place of Kilmukis, and violently entered therein, having expelled the complainers' servants. "Thay have associat unto thameselffis certane uthiris personis, mannit the said house, and furnist the same with victuallis and armour, intending, as appeiris be thair procedingis, to keip and detene the same as ane hous of weir aganis his Hienes and his authoritie."—Charge had been given to the accused to deliver the house to Johnne Law, messenger, under pain of rebellion, or else to appear and show cause in the contrary; and now, Bellenden appearing for himself and his spouse, and Coilyeair also being present, and the said David Sibbald appearing for himself and for his colleagues, and alleging that Coilyeair had delivered to him the keys of the said place "upoun a taikin" from Andro Hering of Lethindy, to whom, he alleged, the same belonged, and Coilyeair having contradicted this testimony, the Lords, in respect that the said David entered not into possession by decree of any judge, ordain him to deliver the place to Coilyeair within six hours after being charged, under pain of rebellion. James Bellenden and his spouse against David Sibbald of Lethem.

Page 448.

Suit of Johnne Ramsay of Jordanestoun against Sir James Hume of Coldenknowis, and Sir Robert Melvill of Murdocairny, collectors of the barons' tax of £40,000:—They had lately charged him, under pain of rebellion, to pay to them, or to Archibald Primrois in their names, £4 for his share of the second and third terms' payment of the said tax for his 40s. land of Bandoch, and also £10 for the second and last terms' payment of the £5 land of the barony of Alith, alleged to belong to him; and, in case of his disobedience, they intend to put him to the horn. Now, the complainer, having been formerly charged by Patrik Ogilvy of Inchemartine, collector of the tax within the shire of Perth, to pay to him the tax of the said lands of Bandoch and Balharrie, had paid the same *bona fide* to Andro Ogilvy, burgess of Perth, under-collector, as his acquittance shows. "And swa, payment being alreddy maid be the said complenair thairof, he is Suspension of horning against Ramsay of Jordanston.

wranguslie burdynnit with double payment of the same." As to the said £5 land within the barony of Alyth, the same does not belong to the complainer, in heritage, tack, rental or otherwise, but yet, for obedience to the command given him, he has consigned £10 in the hands of the said Archibald Primrois, to be delivered to the said Sir James and Sir Robert, in case it shall be found that he is justly charged therewith.—The complainer appearing by James Winrahame, his procurator, but the defenders not appearing, the Lords suspend the letters. Acta 1589-91. Page 449.

Decree against Andrew Riddell, apparent of that Ilk.

Suit by Sir Thomas Lyoun of Auldbar, treasurer, Sir Robert Melvill of Murdocairny, treasurer-depute, and Mr David M°Kgill of Cranstounriddell, King's advocate, against Andro Riddell, apparent of that Ilk:—Upon 3rd September last, he had become surety for Andro Ker of Newhall that he would answer before the Council on 10th October last to a complaint of Williame, Earl of Mortoun, Mathew Olipheir, miller at Langnewtounmylne, Patrik Ademsoun, Adam Walker, Williame Robiesoun, and James Richiesoun, tenants of the barony of Langnewtoun, under a penalty of 500 merks (*ante*, p. 531). The said Andro Ker, however, had not appeared upon 10th October, nor yet upon 2nd November, to which day the said matter had been continued; and, besides, the Lords of Council "hes grantit protestatioun aganis him" at the instance of the said tenants. He has, therefore, plainly contravened the said Act of caution and his surety has incurred the said penalty.—Sir Thomas appearing for himself and the other pursuers, but neither the principal nor his cautioner appearing, the Lords decern the said Act to have been violated by Andro Ker of Newhall, and the said Andro Riddell to have therefore incurred the said penalty, and ordain letters of horning and poinding accordingly.

Caution for Cunningham of Tourlands and others.

Caution in £1000 by Thomas Ottirburne of Reidhall for Williame Cuninghame of Tourlandis, Alexander Cunynghame, his brother, Johnne Lin and Williame Lin, sons of Laurence Lin of Bourtriehill, James Cunynghame in Peirstoun, Johnne Broun in Tourlandis, and Johnne M°Adam, that they shall answer before the Council upon 1st January next to the letters raised against them by Johnne, Lord Thirlstane. Page 450.

Edinburgh, 11th Dec.

Caution for Bellenden of Spittal.

Caution for Hume of Ayton.

Caution in £1000 by James Bellenden of Spittell, as principal, and James Bellenden of Kynneuchair(Kilconchair), as surety for him, that he will not harm David Sibbald of Lethem.

Caution in £1000 by George Hume of Weddirburne for Williame Hume of Aytoun, that he will not harm David Rentoun of Billie, and in £500 that he will not harm Patrik Hume of Rentoun, or Gilbert Ellem, portioner of Rentoun.

Edinburgh, 12th Dec.

Caution for James Hamilton.

Caution in £500 by Gawin Hammiltoun, provost of Hammiltoun, and Johnne Hammiltoun in Nethirfeild, for James Hammiltoun in Ovirtoun, that he will not harm Robert Hammiltoun in Ovirtoun, or James Hammiltoun, his brother,—Adam Shoir, notary public, subscribing for Johnne Hammiltoun.

Acta 1589-91. Caution by Johnne Semple of Middiltoun for Robert, Lord Semple, and Johnne Semple of Bruntsheillis, either of them in £500, that they shall answer before the Council upon 31st December instant to a complaint of Johnne Craufurde in Mywatt,—William Speir, notary public, subscribing for the cautioner. Edinburgh, 13th Dec. Caution for Lord Semple and John Semple.

Page 451. Caution by James Stewart of Stikkis for Johnne Stewart Neilsoun in Fos, Johnne Stewart M°Andro there, George Leslie, bailie of Athoill, Stewart, baron of Bonscuib, Robert Stewart in Fascastell, and Alexander Robertsoun, apparent of Foskellie, in £100 each, that they shall answer before the Council on 17th instant to the letters raised against them by Sir Duncane Campbell of Glenurquhy, touching the reset of the Clan Gregour (*ante*, p. 541). Edinburgh, 14th Dec. Caution for John Stewart Neilson and others.

Caution by Johnne Spreull of Cowdoun for Williame Gilmour, burgess of Paislay, Johnne Gilmour, his son, Johnne Gilmour in Lincleiff, Robert Gilmour, his son, and James Gilmour in Stanelie, in 500 merks each, that Johnne Semple in Middiltoun, Johnne Semple, younger there, Williame and Robert Sempillis, his brothers, Robert Semple in Inche, Patrik Semple, his son, Robert, Johnne, and James Sempillis, his brothers, Johnne Semple of Blakburne, Williame and Robert Sempillis, his sons, Johnne Sempill in Syde, Johnne and Robert Semplis, his sons, Williame Patesoun, servant to the said Johnne Semple in Middiltoun, Johnne and Williame Patesonis, his sons, Hew Hommill, Johnne and Thomas Moffettis, servants to the said Johnne Semple in Middiltoun, shall be harmless of the said persons. Edinburgh, 15th Dec. Caution for William Gilmour and others.

Caution in £1000 by David Sibbald of Lethem, as principal, and James, Lord Lindsay of the Byris, as surety for him, that he will not harm James Bellenden of Spittell, Marione Spens, his spouse, or Williame Coilyeair, their tenant (see *ante*, p. 553). Edinburgh, 17th Dec. Caution for Sibbald of Lethem.

Caution in 20,000 merks by Sir Duncane Campbell of Glenurquhy, as principal, and James, Commendator of Incheffray, and Johnne Campbell of Caddell, as sureties for him, that he and all for whom he is bound by the general band shall keep good rule in the country, and also that he shall make his people "satisfie pairteis complenand," conform to the Acts of Parliament made for "quieting of the Hielandis and Bordouris in the moneth of Julii 1587" (1587, c. 59, iii. 461). Caution for Campbell of Glenorchy.

Sederunt—Cancellarius; Angus; Montrois; Thesaurarius; Pluscarden; Neubottle; Blantyre; Clericus Registri; Computorum Rotulator; Collector; Culluthie; Pettinweyme. Holyrood-house, 18th Dec.

Complaint by Margaret Crawmond, relict of Captain Alexander Ramsay, citizen of Brechin, as follows:—Having, at the time of the contracting of the marriage between her and her late husband, been infeft by him in conjunct fee and liferent in divers tenements and acres of lands, and in the half of his Order to denounce Alexander Ramsay, for not answering to a charge of

undutiful behaviour to his step-mother.

mill lying beside the said city, she had continued in the peaceable possession of the same till Alexander Ramsay, son of her said late husband, "having shaikin of that naturall behaviour and dewitie quhilk he aucht to hir, and being unmyndfull of the latter will of his said umquhile fader left to him tuicheing his deutifull usage of hir," not only masterfully ejected her from the whole of her said possessions, "bot shamefullie, maliciouslie and unhonnestlie hes putt violent handis in hirselff, straik and hurte hir in divers pairtis of hir body, and brak hir arme," and, "be the wrangous and violent detening and withhalding fra hir of hir leving," has brought her to such a state that, unless remedy be soon provided, "sho will altogidder perishe."—The complainer appearing personally, the said Alexander, for failing to appear, is to be denounced rebel. Acta 1589-91. Page 452.

Licence to Campbell of Glenorchy, to make peace with the Clan Gregor.

The King, with advice of his Council, gives license to Sir Duncane Campbell of Glenurquhy to reconcile "all bipast querrellis" standing between him and his friends on the one side and the Clan Gregour and their allies on the other side; and, to the effect the friendship may be the more perfect, power is given to him to set at liberty such persons as he has now in custody, "being freindis, assistaris and dependaris upoun the said Clan Gregour." For obedience hereto he is not to be called to account criminally or civilly, notwithstanding any Acts of Parliament, or of Secret Council, or other acts or charges to the contrary.

James Hay against Mr James Anderson: dispute as to right to a parsonage.

Suit by James Hay, brother of Williame, Lord Hay of Yester, as follows:—The late Thomas Hay, their father's brother, after having been for many years in the peaceable possession of the ministry and benefice of the Crocekirk of Peblis, to which, and to all the kirks and fruits pertaining and of old annexed thereto, he had been lawfully provided, had demitted the same in the hands of the King as undoubted patron: "quhairupoun," on the 15th of January 1583, the complainer "wes deulie providit be his Hienes to the said benefice." Nevertheless, after the decease of the said Thomas about 10th May 1584, Williame Stewart, son of James Stewart of Shillinglaw, had obtained from the King a pretended gift of the said benefice, as vacant by the death of the said Thomas, and, the benefice having thus been granted to two different parties, the claimants had raised an action before the Lords of Session; who, "becaus this mater wes in petitorio," had remitted the same to the commissaries of Edinburgh. It is yet in dependence before these commissaries, and meanwhile "the teinds and fructis of the said benefice ar sequestrat at thair instance in the parrochionaris handis." But, as the complainer is informed, Mr James Andirsoun, minister, has been newly presented to the parsonage and vicarage of the parish kirk of Kathynnis in Angus, which is a pendicle of the said benefice, as also vacant by the decease of the said Thomas: the said Andirsoun having "obtenit ane gift and signatur past and subscrivit be his Hienes and his chancellair," although, during the dependence of the said action, "thair aucht na sic provisioun or presentatioun to have bene grantit to him nor na utheris of the said benefice, nor na pairt thairof, in Page 453.

Acta 1589-91. prejudice of the said actioun and titlis foirsaidis," nor "micht his Majestie, be the lawis, present or provide him to the said personage and vicarage, becaus the same wes of auld and yit annext to the said benefice and ministerie, and is in effect the haill partimonie of the same, quhairof as yit thair is na lauchfull dissolutioun maid." The said presentation of the said vicarage of Kathynnis is, therefore, "maist unlauchfullie and extraordinarlie purchest be the said minister at his Hienes and his chancellaris handis, be manifest circumventioun and suppressioun of the veritie, and aucht thairfoir to be declairit null."—The pursuer appearing by Johnne Hay of Smeithfeild, his procurator, and Mr James Andirsoun appearing personally and producing the said signature, the Lords ordain the keepers of the register of benefices and privy seal to stay the passing of the said signature till the said action before the commissaries of Edinburgh shall be decided.

Thomas Grant and his sons against Edward Abercromby and certain other persons.

Complaint by Thomas Grant in Lethindie, and Andro and Williame, his sons, as follows:—Eduard Abircrumby in Lethindie, Alexander Abircrumby, his son, Silvester Choipman there, David Broun there, Patrik Blair there, David and Robert Blairis, his brothers there, Williame Chopman, servant to the said Silvester, Alexander Blair in Innerbus, Johnne Robertsoun in Lethindie, Williame Sydie there, David Moreis there, Thomas Wichtane there, Petir Young there, Michael Bruce in Scone, and Mr Johnne Abircrumby, minister at Scone, alleging that the complainers "persewit thame of thair lyveis," had obtained letters charging the complainers to find caution for their indemnity, under a penalty of 500 merks each (*ante*, p. 544); "and for thair allegeit dissobediens hes or intendis to
Page 454. caus denunce thame rebellis." The truth, however, is that the said Thomas and his sons never offended the persons foresaid by word or deed, but, on the contrary, the "saidis complenaris hes bene and as yit ar daylie invadit and persewit be thame of thair lyveis"; and now, "to cullour and cloke thair unhonnest dealing aganis the saidis complenaris," they have raised the said letters in order to bring the said Thomas under the process of horning, so that they may procure a gift of his escheat and "wrak him and his bairnis for evir", it being "notour to thame that the said Thomas is bot ane puir man and labourair of the ground, not valiant in substance and guidis ane hundreth pundis, and his saidis sones bot pure boyis, the ane of thame not past the age of xii yeiris, and the uthir the age of sevin, haveing nathing bot that quhilk thai may ressave for keiping of nichtbouris sheip and nolt, and the richest of thame not valiant in guidis nor geir v s.; swa that his Majestie disallowis of this impossibilitie quhairwith thay ar burdynnit, the samin being sa fer by ressoun that thai can gett nane quha wilbe cautioun for thame." Farther, the said persons ought to have made faith that they dreaded bodily harm at the hands of the complainers, conform to the Act of Parliament; "quhilk faith being maid and the soumes modifeit according to thair habilitie," the complainers are ready thereafter to find the said caution.—The complainers appearing by James Winrahame, their procurator, and the said Mr

Johnne Abircrumby appearing for himself and his colleagues, the Lords find the said letters obtained by the said Mr Johnne and the remanent persons foresaid, charging the complainers to find surety for their indemnity, "to be ordourlie procedit and direct," and therefore ordain the same to be put to farther execution. Acta 1589-91.

Order to denounce Thomas Grant, the complainer in the last case.

Complaint at the instance of Mr Johnne Abircrumby, minister at Scone, as follows:—"Thomas Grant in Lethindie hes, thir divers yeiris bigane, maist insolentlie and sklenderouslie behavit himselff towardis the Kirk be his wilfull remaning fra the kirk in tyme of preicheing and prayaris, refuseing the benefeit of the sacrament of the Lordis table, prophaning of the Sabboth day, using of handie labour, teilling, harrowing, and sawing of his landis upoun the same day, blaspheming of the name of God, contempning the discipline and exercise of the Kirk, and, be his insolence, sklanderous and contemptuus behaviour, alluris and intysis utheris to the lyke dissobedience, insolencie and contempt of the Worde; and, albeit the said Mr Johnne hes travellit with the said Thomas to reduce him to his deutifull behaviour, and at last, in respect of his contumacie and obstinacie, oppinlie admonist him of his deuitie, yit he can find nathing in him bot ane wilfull and indurat intentioun to continew in his formair iniquitie, rebellioun and dissobediens."—Parties having been summoned and called, and the complainant, Mr Johnne Abercrumby, appearing personally, but Thomas Grant failing to appear, the Lords ordain the said Thomas to be denounced rebel. Page 455.

"Appunctuament" between the commissioners of Montrose and Edmund Arnold, Englishman, in the matter of a ship and her cargo taken by pirates and sold in Montrose.

"Forsamekle as Edmond Arnold, Englishman, mercheand in Hippiswiche, for himself and as procuratour for Williame Vasselbie, hes had lang proces depending befoir the Lordis of Sessioun for spoliatioun of certane victuaill pertening to thame, with the haill furnitour of the said Williame Vasselbeis ship callit the Barnabe, in the quhilk mater the said Edmond, be circumventioun of certane craftie men, hes persewit certane personis for spoliatioun thairof, and recoverit decreit aganis thame, quha on nawayes ar responsale or able to satisfie the said Edmond of the soumes contenit in this decrete obtenit be him, seing the saidis Edmonds and Williames victuaill and furnitour of the said ship wer takin fra thame be way of piracie, and transportit to the burgh of Monrois, and thair sauld and disponit upoun to sic personis as the pirattis, takaris thairof, thocht gude. And his Majestie, being adverteist heirof, and that the said ship callit the Barnabe wes within the porte and heavin of Monrois, directed his letter and missive to the baillies of the said burgh, commanding thame to intromett with the said ship and guidis thairin, and to mak the samin furthcumand to the said Edmond and Williame Wassalbie; quhairupoun the said Edmond, seing himselff altogidder frustrat, in sa fer as the said decrete recoverit could tak na executioun, meanit himselff to his Majestie and his Counsaill, desiring that the provest, baillies, counsaill and communitie of the said burgh of Monrois micht be forceit to refound and satisfie thame of the haill soumes contenit in thair decrete, in respect thai had not obeyit the tennour of the said uther letter

Acta 1589-91. and missive direct to thame, commanding thame to intromett with the said ship and haill guidis and geir thairin contenit. And now, his Hienes finding and knawing it to be of treuth that the saidis Edmond Arnold and Williame Vesselbie wer spuilyeit, and thair guidis and geir disponit upoun within the said porte of Monrois, it is nawayes aggreable to equitie that the personis quha wer innocent thairof suld be forceit to pay the samin, and that Johnne Scott, baillie of Monrois, and Williame Barclay, ane of thair counsaill, as commissionaris for the provest, baillies, counsaill and haill communitie of the said burgh, for releving thairof of the said actioun and spuilyie and all that may follow thairupoun, hes takin upoun thame to dilait the cheiff personis quha intromettit with the said Edmondis and Williames victuaill and furnitour of the said ship, and to warrand the personis dilaited be thame to be responsall and sufficient the tyme of the serving of the said Edmondis inhibitioun aganis thame, quhilk wes upoun the day of the yeir of God j^{m}v^{c}lxxxx yeiris, and to furneis sufficient probatioun thairof aganis thame for preving of the samin upoun the said Edmondis expenssis, lauchfull termes of probatioun being gevin to thame to that effect; provyding alwayes that the nichtbouris and inhabitantis of the said burgh be admittit witnes in the said actioun. And, in cais the saidis dilaited personis beis nocht found responsaill, or that thai prove not sufficientlie aganis thame, at the leist sa mony as may satisfie thair decrete, the saidis Johnne Scott and Wiliame Barclay, as commissionaris foirsaidis, and haveing full pouer of the said burgh, hes takin upoun thame, in name of the said burgh, in that cais that the provest, baillies, counsaill and communitie of the said burgh sall satisfie the saidis Edmond and Williame of sa mony of thair pairtis of the decreit to be obtenit aganis the saidis dilaited and chosin personis, in cais ony of thame beis tryit not to be responsaill the tyme of the serving of the
Page 456. inhibitioun foirsaid. And, seing the saidis Edmond and Williame ar strangearis, and that the fraude and circumventioun of the saidis craftie personis suld not be prejudiciall to thame, thairfoir his Majestie, with advise of the Lordis of Secreit Counsaill, willis and ordanis that the decreit alreddy recoverit at the instance of the saidis Edmond and Williame aganis the personis thairin contenit, for spoliatioun of thair said victuaill and furnitour of the said ship callit the Barnabe, be na stop nor impediment, bot thay may persew the saidis personis dilaitit nochtwithstanding thairof, and that the decrete obtenit be thame alreddy thairupoun furneis na kynd of exceptioun nor defens to the saidis dilaitit personis that sal happin to be persewit heireftir for the said spuilyie, bot thay to have actioun aganis thame as giff the said decrete had nocht bene pronunceit. For the quhilk caussis, his Majestie, with consent of the saidis Edmond and Williame, assoilzeis *simpliciter* the saidis provest, bailleis, counsaill and haill communitie of the said burgh, of the spuilyie and wrang, but prejudice alwayes of thair said actioun aganis the saidis particulair delaitit personis, thay fulfilland the premissis."

Edinburgh, 19th Dec. Caution for Wood of Fettercairn and others.

Caution by Alexander Cuming of Cultir for Walter Wode of Fettircarne Acta 1589-91. in £1000, for Andro, David and William Wodis, his sons, in £500 each, and for Alexander Crawmond in Fettircarne and James Lindsay in Thanistoun, in 500 merks each, that they will not harm Walter Wode in Thanistoun.

Edinburgh, 22nd Dec. Caution for Cumming of Altyre and others.

Caution by Thomas Cuming of Altir, as principal, and Alexander Cuming of Culter, as surety for him, in £1000, and by the said principal and surety for Alexander Cuming, eldest son of the said Thomas, in 1000 merks, for Hucheoun Cuming, apparent of Dellesbrachtie, in £500, and for Williame Cuming in Presley, Michael Cuming in Tullidiffie, Edward Cuming there, Alexander Cuming there, James Hay, servant to the said Thomas, David Ros in Lyne, Alexander Ros, son to the late Watt Ros in Logy, Alexander Cuming in Outlawell, and James Cuming, his son, in 300 merks each, that they will not harm James Dunbar of Tarbett, his tenants or servants.

Edinburgh, 23rd Dec. Caution for George Wallace of Craigie.

Caution in £1000 by James Cunynghame of Inchegotrik for Johnne Wallace of Cragy, that he will not harm Dame Jeane Campbell, relict of Sir William Hammiltoun of Sanquhair, Williame Hammiltoun, her "oy," or Johnne Hammiltoun of Barnweill.

Caution for Archibald Fergushill and others.

Registration, by Johnne Haliday, advocate, as procurator for the sureties, of a band of caution by James Craufurde and Adam Johnnestoun, bailies of Air, and David Craufurde, burgess thereof, for Archibald Fergussill of Page 457. Sancherie in 600 merks, for David and James Fergussillis, his sons, in £100 each, and for James Lokhart in Cunyngpark, in 100 merks, that they will not harm Johnne Neill, elder in Alloway, or Johnne Miller, elder, there. Subscribed at Air, 20th December, before Michael Wallace and Williame Rankene, notaries public.

Edinburgh, 25th Dec. Order to denounce Wauchope of Niddry and others.

Complaint by Williame Hering, gardener at Craigmyllar, Marione Pas, his spouse, Robert Mairshael, "greif" at Craigmillar, Andro Hill and Williame Young, keepers of the place of Craigmillar, as follows:—Archibald Wauchop, younger of Nudrie, and Johnne Hering and Andro Walker, his servants, had, without cause of offence, come upon 10th instant to Craigmillar, and "shamefullie and unhonnestlie dang the said Williame Hering and his spous with battonis and rungis, and cheissit the saidis Robert Mairshael, Andro Hill, and Williame Young, for thair bodilie harme and slauchter." Further, the said Wauchop "utterit maist disdanefull and proude speicheis aganis the saidis complenaris, bidding thame cum to us and complene, quhilk he regairdit nocht, for he had done greitar turnis nor to ding oute all thair harnis, and yit his Majestie culd nevir mend his Hienes of him."—The complainers appearing personally, the defenders, for failing to appear, are to be denounced rebels.

Edinburgh, 27th Dec.

Caution by Hew Montgomerie of Hessilheid for Johnne Hommill of

Acta 1589-91. Ruchwode, Robert and Alexander Hommillis, his brothers, and Gelis Craufurd, their mother, in 300 merks each, that they will not harm Elizabeth Scott, Lady Glengarnok. Caution for John Homill and others.

Page 458. Caution by Thomas Smith, burgess of Monrois, as principal, and Henry Primrois, burgess of Culrois, as surety for him, in £500, that he will not harm Johnne Guthrie, burgess of Monrois. Edinburgh, 29th Dec. Caution for Thomas Smith.

Registration, by Mr Johnne Nicolsoun, advocate, as procurator for the surety, of a band of caution by Mr Thomas Menzeis of Durne for Patrik Gellie, merchant, burgess of Fordyce, in 500 merks, that Robert Barclett in Fordyce, and Margaret Faich, his spouse, shall be harmless of him, conform to the letters of lawburrows obtained thereanent of date 20th November last. Subscribed at Abirdene, 24th December, before Alexander Menzeis, David Robertsoun, Paull Menzeis, burgesses of Abirdene, and Mr Thomas Mollisoun, notary public. Edinburgh, 31st Dec. Band for Patrick Gellie.

Caution by James Douglas of Spott for James Douglas of Cavers, sheriff of Roxburgh, that, on being released out of ward in the tolbooth of Edinburgh, he shall either pay to the King and to Sir Lues Bellenden of Auchnoull, justice-clerk, the sums due to them, and for which he is warded in the said tolbooth, or else report sufficient diligence against the persons indebted to the said sheriff in the said sums for his relief before the last day of February next. Edinburgh, 1st Jan. 1590–91. Caution for Sheriff of Roxburgh.

Page 459. Registration, by Mr Johnne Skene, as procurator for the parties, of a band of caution in £1000 by Sir Johnne Edmestoun of that Ilk for Henry Haliburtoun of Mertoun, that he will not harm Raulff Erskin, portioner of Dryburgh,—Walter Ker of Littildene and the said principal becoming sureties in relief. Subscribed at Littilden, 1st January, before Williame and James Keris, sons of the said Walter, Thomas Ker in Littilden, Niniane Blaikwode, and Robert Young. Edinburgh, 2nd Jan. Band for Haliburton of Merton.

Registration, by James Harvie, advocate, as procurator for the surety, of a band of caution in £500 by Patrik Leslie, fiar of that Ilk, for Alexander Mairshael of Braklamoir, that he shall deliver the place of Deir, with its whole plenishing and goods, to the officer executing the letters raised against him at the instance of Robert, Lord Altree, in case it shall be found that he ought,—Sir Williame Keith of Delneyis becoming surety in relief. Subscribed at Edinburgh, 21st December, before Johnne Neilsoun, servant to my Lord of Dingwell, Mr Thomas Wallace, servant to the said Sir Williame, and Johnne Broun, servitor to James Harvy, advocate. Band for Alexander Marshall.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Mortoun; Glencarne; Spynie; Murdocairny; Ormestoun; Clericus Justiciarie; Holyrood-house, 6th Jan.

Blantyre; Neubottle; Clericus Registri; Collector; Computorum Rotulator. Acta 1589-91.

Charge to Lumsden of Airdrie and Napier of Wrightshouses.

James Lummisden of Airdrie, and Williame Naper of Wrychtishoussis, burgess of Edinburgh, having in their hands "ane precious stane and jewell belanging to his Hienes and his crowne, quhilk is a grite fair diamant sett in gold, of the price and valu of twa thousand crownis of the sone (and be quhat meanis the said jewell is cum in thair handis it is uncertane to his Majestie and his Prevey Counsaill)," are ordered, under pain of rebellion, to present the same before the Council upon 12th current, that they may be delivered to his Majesty. Page 460.

Order to denounce Mr James Gordon, uncle of the Earl of Huntly.

"Forsamekle as, for preventing of the mony and dangerous inconvenientis threatnit to the trew religioun, and consequentlie to the Kingis Majesteis persone, croun and estate, be the tressonnable, seditious and crafty practizes of Mr James Gordoun, fader bruthir to the Erll of Huntlie, and utheris of his sect, letters wer laitlie direct quhairwith the said Mr James wes chargeit to have enterit his persone in a verie freindlie and free warde, to witt within the place of Seytoun, quhair he wald have bene favourablie handillit and intertenyit quhill the seasoun of the yeir micht have servit for his transporting furth of this realme; in the quhilk warde albeit he promeist divers tymes sensyne to have enterit, lyke as sindrie tymes of befoir, and specialie this last yeir, he promeist to depairt furth of this realm, yit hes he nawayes randerit his obedience in this point, bot be his remaning hes gevin occasioun of sklender of his Majestie, as giff the same had bene done be his Hienes licence and allowance; lyke as, be his dissobediens in not entering of his persone in the said warde, he hes now at last planelie profest himselff gilty of the saidis tressounable practizes, to the dishonnour of God, sklender of his worde, and grite contempt of his Majestie, his authoritie and lawis. For the quhilk caus the saidis letters aucht to tak forder executioun aganis him, according to the certificatioun mentionat thairin; and, thairfoir, ordanis letters to be direct to officiaris of armes, chargeing thame to pas and denunce the said Mr James his Majesteis rebell, etc., and to eshete, etc. As alswa, to command and charge all and sindrie his Hienes liegis, that nane of thame tak upoun hand to ressett, supplee nor intercommoun with the said Mr James, assist, tak part, nor furneis him meit, drink, house or harborie, nor yit have intelligence with him privatlie nor publictlie, be letters, messageis or ony uther maner of way, undir quhatsumevir cullour or pretens, undir the pane to be repute, haldin and estemit as arte and partakaris with him in his rebellioun and tressonabill practizes foirsaidis: certifeing thame, and thai failyie, thay salbe takin, apprehendit and punist to the deid, as tratouris to God, his Majestie, and this thair native cuntrey, with all rigour and extremitie. And, to the effect the said Mr James may ressave the punishment dew for his demereitis, that the saidis officiaris signifie and declair lykwayes to all his subjectis that quhasoevir sall tak, apprehend and present the said Mr James befoir his Majestie or Counsaill, that he

Acta 1589–91. sall ressave the soume of ane thousand merkis in rewarde thairfoir, and utherwise salbe acknaulegeit as effeiris."

Caution by Arthour Forbes of Reres for Henry, Lord Sinclair, and James, Master of Sinclair, in £1000 each, that they will not harm William Sinclair of Leyis, or Olipheir Sinclair of Ravynnisnuke, his tutor testamentary, for his interest. Caution for Lord Sinclair and the Master of Sinclair.

Edinburgh, 7th Jan. Caution for James and John Acanan.

Caution by James Acannan of Killoquhy, as principal, and Walter Hereis of Knokshynno, as surety for him, and by the said principal and surety for Johnne Acannan, son of James Acannan of Elderbog, in 1000 merks each, that they will not harm James Sinclair in Glen, or George Sinclair, brother of the late Johnne Sinclair of Erlistoun.

Caution for Alexander Maxwell.

Caution in 500 merks by Alexander Gordoun of Barskeoch for Alexander Maxwell of Crocokfurde, that he will not harm Alexander Glendoning of that Ilk, Alexander Tait, his servant, or Johnne M^{c}Cathie.

Caution for Patrick Hume of Renton.

Caution by Patrik Hume of Rentoun, as principal, and George Hume of Spott, as surety for him, and by the said principal and surety for Page 461. Gilbert Ellem of Rentoun, in 1000 merks each, that they will not harm William Hume of Aytoun.

Holyrood-house, 8th Jan.

Sederunt—PRESENTE REGE—Cancellarius ; Angus ; Maxwell ; Hereis ; Murdocairny ; Blantyre ; Collector.

William Pringle against Andrew Kinnaird.

Suit by Williame Hoppringle, tailor, burgess of Edinburgh, against James Skryngeour of Dudop, constable of Dundee :—Skryngeour, being indebted to the said Williame in £1400, had given his obligation, registered in the Books of Council, for payment of the same to Andro Kynnaird, burgess of Dundee, not because of any debt owing by Scryngeour to the said Andro himself, but merely by way of form "usit and divisit betuix the said Williame Hoppringle and the said Andro, to the effect that the said Andro, duelland in they pairtis besyde the said James, micht gett the reddeair executioun alwayes to the said Williames behuif and proffeit." The complainer, however, had found the said Andro's "fraudfull dealling" in the matter in his "not suteing of executioun for payment": which fraud "wes thaireftir manifested, quhenas, upoun the said complenaris awne chargeis and expenssis, he wes compellit to rais letters in the said Androis name, and, haveing directit ane officiar for executing of the same, the said Andro dischargeit the said officiar fra all executioun." Thus, the complainer "is debarrit fra the richt and executioun of that sowme, quhilk is his haill credite, being of gritair availe nor his haill substance, and his wyffe, quha is ane persone that usis hir trafficque"; and, seeing the said Andro Kynnaird "hes this way maist untreulie, by the dewitie of ane honnest man, dissavit the said Williame (bandis of mutuall faith and treuth standing betuix thame throw the said Williames easie credite)," he urges that, as the said Andro has frustrated him of his just debt, "swa be the same respect the lyke summair executioun of law and gude

conscience aucht and suld be grantit at the said Williames instance and in his name aganis the said Andro."—Both parties appearing personally, the Lords ordain the said Andro to pay to the said Williame the £1400, or else to deliver to him the foresaid letters executed and registered against the said James and other persons mentioned therein, within ten days after the charge, under pain of rebellion. Acta 1589–91. Page 462.

Suspension of horning against Cunningham of Tourlands and others.

Complaint by Williame Cunynghame of Tourlandis, Alexander Cunynghame, his brother, Johnne Lin and Williame Lin, sons of Laurence Lin of Bourtriehill, James Cunynghame in Peirstoun, Johnne Broun in Tourlandis, and Johnne M^c^Adam, as follows:—Johnne, Lord Thirlstane, alleging that he has received a gift of the ward, nonentries, mails and duties of the living of Cunynghamheid, had obtained letters charging the complainers to deliver to him the castles and fortalices of Cunynghameheid and Pokellie, under pain of rebellion (*ante*, p. 554), and, for their alleged disobedience, has put them to the horn. He had also obtained letters commanding them, under the same penalty, to appear upon a certain day bypast before the King and Council to answer to certain complaints; and, because they had not appeared, they were again denounced rebels. The complainers now urge that the first horning was wrongfully used against them, because, immediately after having been charged to render the said houses, they had offered to do so, but neither had the officer who had executed the letters the warrant of the said Chancellor to receive the said houses, nor was any other person present directed by him to that effect. Moreover, the said houses have since been delivered to the Chancellor and are now kept in his name. And, with regard to the last letters, the complainers plead that they could not well satisfy the requirement thereof, "in respect of the formair hoirning used and execute aganis thame, quhilk maid thame unhable to stand in jugement and justifie thair awne innocenceis anent the pointis of the said complaint." Caution, however, having been found by them for their appearance to the requirement of the said letters upon 1st January, the letters ought now to be suspended.—Both parties appearing personally, and Lord Thirlstane having alleged that Cunynghame of Craiganis, having special interest in the matter, has in his hands the said letters of horning, the production of which is now craved, the Lords ordain the same to be suspended.

Suspension of horning against Crichton of Carco.

Complaint by James Creichtoun of Carco:—James Johnnstoun of that Ilk, Commendator of Halywode, has lately charged the complainer to pay him £4 "as for his releiff of the said complenaris part of the sax scoir pundland of the barony of Halywode, allegeit extending to ane foure merkland," and, for his alleged dissobedience, has caused him to be denounced, or means to do so. Now, no part of the said barony belongs to the said complainer, who renounces all right and title to any lands therein, and is therefore "wranguslie burdynnit" with the payment of any sums for the said Commendator's relief. He pleads, therefore, that the said letters against him should be suspended, having at the same time found caution to pay, in case it shall be found that he is justly indebted.—The com- Page 463.

Acta 1589–91. plainer appearing personally, but the defender not appearing, the Lords do suspend the letters.

Protest in favour of Margaret Gibson and others.

Margaret Gibsoun, relict of Johnne Frendreich in Kerymure, Johnne Frendreich, his son, Frendreich, his son natural, Thomas Bursy in Kerymure, Williame Bursie there, and Williame Haswell there, appear for themselves, and for Jonnett Sym, spouse of the said Thomas Bursie, Jonnett Frendreich, spouse of the said Williame Hasswell, Williame Showane, Elizabeth Ogilvy, his spouse, James Kebill in Kerymure, and Elizabeth Ogilvy, his spouse, and give in a copy of letters raised by Gelis Gairdin, relict of Johnne Spalding of Drumclone, and Johnne Spalding, his son, charging the said persons to answer this day to a complaint made by the said Gelis and Johnne against them, touching their alleged coming at night to the town of Kerymure upon 4th October last, and having "tressonablie rased fyre, brint and distroyit certane houssis, guidis and geir, at the west end of the said toun," and for sundry other crimes mentioned in the said copy.—Neither Gelis nor Johnne appearing, Margaret Gibsoun and her colleagues foresaid, being personally present, as said is, protest that they should not be held to answer farther to the said letters till again warned by other letters; "quhilk protestatioun the saidis Lordis admittit."

Order to denounce James Johnstone of that Ilk.

Complaint by James Douglas of Drumlangrig. as follows:—According to the charge lately given him, he had found surety to relieve the wardens for "all attemptatis" committed or to be committed by him and those for whom he is bound by the general band. Now, as Will Bell, called Reidclok, though acknowledged to be the complainer's tenant of his lands of Blacathous, has been of late "violentlie and perforce dispossest and ejectit fra the saidis landis" by Edward Irwing of Bonshaw, the complainer ought not to be held bound for the said Will Bell; "nather is he able sa to do, be ressone necessitie will constrayne the said Will in end ather to seik his leving be sum unlauchfull meanis in the cuntreyis nixt adjacent, sen he can not be permittit to leif upoun his awne, or than to entir in querrell with the said Edward, quhairupoun sindrie inconvenientis may fall oute."—The said Edward Irwing had been duly charged to appear, and James Johnnestoun of that Ilk, his master and landlord, had been charged to enter him, to answer to the complaint; and now, the complainer appearing by Andro Morisoun, his procurator, but neither Irwing nor Johnnestoun appearing, they are to be denounced rebels.

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Edinburgh, 9th Jan. Caution for Gordon of Barskeoch and Hamilton of Pardowie.

Caution in 500 merks by Alexander Gordoun of Ovir Barskeoch, as principal, and Johnne Redik of Dalbaty, as surety for him, that he will not harm Johnne Greirsoun of Kermanno.

Caution in 5000 merks by Robert Grahame of Thornik for Johnne Hammiltoun of Pardowie, younger, that he will not harm Robert Lindsay of Balhall.

Caution by Patrik Barclay of Towie for Mr Williame Barclay and George

Edinburgh, 10th Jan. Caution for Mr William and George Barclay.

Barclay, his brothers, in £1000 each, that George Meldrum of Fyvie, Mr Williame Meldrum of Moncoffer, Andro Meldrum of Drumbrek, George Meldrum, younger of Drumbrek, Andro Meldrum, his brother, Johnne Meldrum, his brother, Williame Meldrum of Badinscottis, George Meldrum of Logaltoun, Johnne Meldrum of Tullicarne, Patrik Meldrum of Auquhorteis, Johnne Meldrum of , Robert Meldrum of Cowhill, George Meldrum in Petty, Alexander Meldrum, his brother, Andro Meldrum, his brother, Alexander Meldrum of Bogheid, Johnne Meldrum of , Johnne Meldrum at the Milne of Petty, Thomas Meldrum of Eden, and Andro Meldrum, servant to the Laird of Fyvie, shall be harmless of the said persons. Acta 1589–91.

Edinburgh, 11th Jan. Band for Cochrane of Pitfour and his son.

Registration, by Walter Hendirsoun, writer, as advocate (procurator ?) for the parties, of a band of caution in 1000 merks by Petir Cochrane of Pitfour, and in 500 merks by David Cochrane, his son and apparent heir, as principals, and Patrik Hay of Petcullane, as surety for them, that Johnne Hammiltoun of Drummry, heritor of the lands of Inchyra, Williame Rollok, his tenant, Margaret Antone, relict of Williame Furde, Petir Furde, his son, and Andro Wilsoun, tenants to the said Williame Rollok, shall be harmless of the said principals, conform to the letters of lawburrows raised against them. Johnne Haliday is appointed one of the procurators for registering this obligation; which is subscribed at Meginche, 9th January, before Niniane Hepburne, Patrik Kynman, Johnne Turnbule. Page 465.

Edinburgh, 12th Jan. Caution for William Ker of Cessford.

Caution in £1000 by Andro Ker of Fadounsyde and Andro Ker of Lintoun for Williame Ker of Cesfurde, wardane of the Middle March, that Sir Robert Ker, eldest son and apparent heir of the said Williame, or any of his accomplices at the horn for the slaughter of Williame Ker of Ancrum, shall not be resetted within the castle of Cesfurde during their rebellion or disobedience.

Edinburgh, 14th Jan. Caution for Mr Alexander Forsyth, vicar of Dundonald.

Caution by Mr Alexander Forsyth, vicar of Dundonnald, as principal, and Mr David Lochmalony, fiar of that Ilk, as surety for him, in £500, that Archibald Boyll in Tarbart, James Hog in Portincors, Johnne M^{c}Allane in Hunterstoun, Johnne Ewing in Southennen, Thomas Eduart and Johnne Or, in Fairnelie, Duncane M^{c}Gibbon in Kelburne, Thomas Barclay, Johnne Clerk in Reidhall, Johnne Scott in Kelsoland, Alexander Kelso there, Andro Hude in Knok, Robert Cunynghame in Skelmurlie, Archibald Greg there, George Fleming in Skelmurlie, Robert Smaill, Johnne Ewing, Johnne Scott in Kellie, Alexander Hammiltoun in Auchinfour, James Weddrow in Daff, Hector Hyndman in Fynnok, Hector Cristiswell in Ardgowne, Johnne Craufurde, Thomas Byris there, Williame Morisoun in Flottertoun, Malcolme Hunter there, Andro Miller in Grenokshaw, Johnne Scott in Stewartis-tenement, Johnne Lyoun there, Johnne Grenehill in Newark, Andro Galbraith there, Lindsay in Dunrode, and "remanent trafficquaris and fishearis within Bute and

Acta 1589-91. parochynis of Kilbryde, Largis, Innerkip and Kilmalcolme," shall be harmless of the said principal.

Page 466. Registration, by Mr Alexander King, advocate, as procurator for the sureties, of a band of caution by Robert, Master of Eglintoun and Johnne Dunlop of Hapland, for Alexander Dunlop in Crawfeild, Archibald Mure at the kirk of Beith, and Hew Mure there, in 300 merks each, that Elizabeth Scott, Lady Glengarnok, her tenants and servants, shall be harmless of them. Subscribed at Irwing, 10th January, before Neill Montgomerie, Williame Montgomerie, Archibald Montgomerie, servitors to the said Master of Eglingtoun, and Williame Stevinstoun and Alexander Mitchell, younger, notaries. Edinburgh, 15th Jan. Band for Alexander Dunlop and others.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the sureties, of a band, as follows :—George Monro of Mekle Tarrell alleging that Johnne Ros, provost of Narne, and Elizabeth Ros, his spouse, with others their accomplices, had, upon 20th August last, come to a servant of the said George Monro, called Donald Moir, "and maist shamefullie invadit him of his lyffe, hurte and woundit him in divers pairtis of his body," and also "come to the said George boundis of Mekle Tarrell, and eitit and distroyit his cornis with thair guidis, pullit the lint growand upoun the saidis landis, stoppit and stayed the said George bestiall fra thair commoun pasturage, dimolissit and kaist doun his warde dykis," Johnne Ros of Ballinat, David Ros of Holme, and Williame M°Quene of Corbrocht, become sureties in £1000 for the said Johnne Ros and his spouse, that the said complainer, his tenants and servants, shall be harm-
Page 467. less of them in their persons and goods. Mr Williame Oliphant is conjoined with the said procurator for registering the band; which is subscribed at Narne, 12th January, before Johnne Annand of Murreystoun, Patrik Ros, son and apparent heir of the said provost, and Adam Wilsoun, notary public, who subscribes for the said Elizabeth, "becaus I could nocht write." Edinburgh, 18th Jan. Band for the provost of Nairn.

The said George Monro of Mekle Tarrell having made similar complaint (the offence in this instance having been upon 24th August) against Johnne M°Williame M°Allaster Ros in Wester Gany, Mathew M°Collier, cottar to the said provost of Narne, Andro M°Feddy in Mekle Tarrell, Donald M°Carchan, skipper, and Alexander Wallace, servants to the said provost, there is registration of a band by which the said provost becomes surety for his said servants to the same effect, in 200 merks each. It is
Page 468. subscribed at Narne, 11th January, before Patrik Ros, son of the said provost, Williame Tulloch in Foynesfeild, Thomas Stevin, servant to the said Johnne, Alexander Myln, "my servand," and Adam Wilsoun, notary public, who subscribes for the persons complained of. The procurators for the registration are as above. Band for John Ros and others.

Caution in £1000 by Raulff Erskin in Dryburgh, as principal, and Patrik Hume of Argatie, as surety for him, that he will not harm Henry Haliburtoun of Mertoun. Caution for Ralph Erskine.

Holyrood-house, 20th Jan.

Sederunt—Cancellarius; Angus; Mortoun; Lindsay; Hereis; Blantyre; Murdocairny; Clericus Justiciarie; Clericus Registri; Ormestoun; Culluthie; Pettinweyme. Acta 1589-91.

Marion Laing and her spouse against certain persons for abduction of her daughter.

Complaint by Marjorie Laing, mother of Cristeane Forbes, daughter of the late James Forbes, burgess of Abirdene, and Robert Chalmer, now her spouse, as follows:—George Frasair, servitor to Gilbert Frasair of Watterstoun, George Frasair, Gilbert Frasair, and Johnne Wode, servants to Androw Frasair of Muckall, Masoun in Milnhill, and Alexander and Thomas Masonis, with their accomplices, had, upon 12th December last, "all bodin in feir of weir," and hounded out by the said Laird of Muckall and Gilbert Frasair, "come to the Grandone, and violentlie tuke the said Cristeane Forbes, and led hir as captive and prisonair first to Wattertoun, thaireftir to Muckall, quhair thai yit detene hir, thinking, in respect sho is of appeirance to succeid to certane landis and guidis, to move hir ather to mak sum unlauchfull dispositionis thairof, or than to joyne hir in mariage with sum personis nawayes aggreable to hir estate and calling."—The said Andro Frasair of Muckall, George Frasair and Johnne Wod, his Page 469. servants, Gilbert Frasair of Wattertoun, George Frasair, his servant, and Thomas Masoun, had been charged to deliver the said Cristeane to the said complainers, or else to produce her this day before the Council, to be "nureist and upbrocht" by the said Marjorie and her husband "unto hir lauchfull and perfyte age"; and now, the said Robert Chalmer appearing for himself and his spouse, but the defenders neither appearing nor having delivered the said Cristeane as charged, the Lords ordain them, "yit as of befoir," to deliver her to her mother, or to the said Robert, within six hours after they are charged, under pain of rebellion.

Edinburgh, 21st Jan. Caution for Robert Herries of Mabie.

Caution in £500 by Robert Hereis of Mabie, as principal, and Uthrid M°Douell of Mundork, as surety for him, that he shall not reset or intercommune with Robert Hereis, brother of the late Richie Hereis in Barnbarrauch.

Caution for George Waterston and others.

Caution by Mr Johnne Hendirsoun of Drydane, and Mr James Hendirsoun, burgess of Edinburgh, for George Watterstoun, Williame Grahame, Thomas Simsoun, and Williame Duncane, tenants to Petir Cochrane of Pitfour and David Cochrane, his son, in 300 merks each, that Johnne Hammiltoun of Drumry, heritor of the lands of Inchyra, Williame Rollok, his tenant, Margaret Anthone, relict of Williame Furde, Petir Furde, his son, and Andro Wilsoun, tenants of the said Williame Rollok, shall be harmless of the said persons.

Caution for James Ker in Sauchy.

Caution by Robert Abircrumby, burgess of Edinburgh, for James Ker in Sauquhy, that he will not harm Johnne Werdy at the Myln of Sauquhy, under the pains in the letters against him.

Caution for Irvine of Drum and others.

Caution in £1000 by Alexander Irwing, apparent of Drum, as principal, Page 470. and Johnne Keith of Ravynniscraig, as surety for him, and by the said

Acta 1589–91. principal and surety for Mr Robert and James Irwingis, brothers to the said Alexander, in 500 merks each, that they will not harm Williame King of Barra, James King, burgess of Abirdene, Alexander King, advocate in Edinburgh, Elizabeth Gray, relict of James King, portioner of Barra, William King in Fosterhill, Alexander King, his son, Williame King, his son, David King, vicar of Bourtie, or Williame Johnnestoun in Innerrourie.

Edinburgh, 22nd Jan. Caution for George Herries of Madenpap and others.

Caution by George Hereis of Madinpap, as principal, and Uthrid M°Douell of Mundork, as surety for him, in 1000 merks, and by the said George and Uthrid for Johnne Hereis, brother of the said George, Johnne Hereis, his son, and James Lindsay of Fairgirth, younger, in 500 merks each, that they will not harm Mathew Hereis in Larglanglie.

Band for Nathaniel Keith.

Registration, by Alexander King, advocate, as procurator for the surety, of a band of caution in £500 by Williame Keith of Ludquharne for his son Nathanell, that, if it be found that he was one of the detainers of the house of Deir, or at the surprising of the same, he shall answer for the same before the Council or the Justice. Subscribed at Abirdene, 14th January, before Mr James Ord, Williame Yett, Jedeon Keith.

Holyrood-house, 23rd Jan.

Sederunt—PRESENTE REGE—Spynie; Murdocairny; Clericus Justiciarie; Blantyre; Clericus Registri; Collector; Computorum Rotulator; Carmichaell.

Supplication of the Earl of Huntly, in the matter of the execution of a commission of his against culprits in in the north, the Earl of Murray and the Laird of Grant being involved in the affair.

Supplication by George, Earl of Huntley:—By virtue of his Majesty's commission, he had gone to the place of Ballindalloch to apprehend Johnne Grant, sometime tutor of Ballindalloch, and his accomplices, "committaris of slauchter and utheris odious crymes"; but, having received promise from Johnne Grant of Freuchy, their master and chief, to enter them within the Earl's place of Strathbogy on a certain day, he had
Page 471. "left of all forder persute of thame at that tyme." The said Laird of Grant however, having not only broken his promise, but, accompanied by James, Earl of Murray, Johnne Campbell of Caddell, with their whole forces, come to the fields and taken "plane parte with the malefactouris," petitioner had charged the said Laird of Grant to deliver the said rebels under pain of treason. "Quhilk charge being alswa contempnandlie dissobeyit," the petitioner had, upon 22nd November last, passed to the town of Fores, where, as he was informed, the said malefactors and the Lairds of Grant and Caddell, and Lauchlane M°Yntoshe of Dunnauchtane, were then convened, "with the haill brokin men of the cuntrey." But, immediately before his coming, they had passed to the Castle of Tarnway, in which they were reset by the Earl of Murray. Petitioner had directed thither an officer of arms, with a dozen of witnesses, to ask delivery of the said malefactors; but, before the officer and witnesses approached within half a mile of the castle, "thair isheit furth of the same a certane of the said Erll of Murrais and the Lairdis of Grant, Caddell, and M°Intoshe servandis, of

thair speciall causing," who pursued the officer and witnesses, "dischargeit pistollettis at thame, and than enterit agane within the said Castell, furth quhairof thai schote and dischargeit grite peceis of artallierie, hacquebutis of found and culveringis, nochtwithstanding ony signis of peace and halding up of naipkynnis in taikin thairof; and at last slew umquhile Johnne Gordoun, bruthir to Schir Thomas Gordoun of Cluny, knicht." The petition of the Earl of Huntley, therefore, is that his proceedings in this matter may be approved, and that order may be taken with regard to the said slaughter.—This petition had been first read in presence of the "same personis" upon 14th December last; on which occasion the Earl of Murray alleged that the said commission, granted to the Earl of Huntley, had been suspended by letters raised at the instance of the Laird of Grant and the said Tutor, and that publication of this suspension had been made at the market cross of Elgin; "lyke as intimatioun wes maid of the samin to the said Erll of Huntley be the officiaris executouris of the said letters, quha apprehendit him personalie and deliverit to him ane copie of the same letters, eftir his cuming furth of Elgin, and befoir his cuming to the said place of Tarnway be the space of sax myllis." In proof, the Earl of Murray had produced the said letters with the executions of the same. These, however, the Earl of Huntley had alleged to be "fals and fenyeit," on the ground that he had received no intimation of the said suspension till after the slaughter of the aforesaid Gordoun,—of which slaughter, at the same time, the Lairds of Grant and Caddell "allegeit thai wer altogidder innocent, thay not being within the said castell the tyme of the committing thairof."—The King and Council, having, upon the said 14th December, resolved that, before they granted the prayer of the supplication, the officers who executed the said letters of suspension, and the witnesses inserted in their executions and indorsations thereof, should be examined, had charged James Stewart and James Law, the said officers, and James Douglas, Thomas Myln, Alexander Stewart, and James Innes, burgesses of Elgin, witnesses in the indorsation, to appear for that purpose. Law, Myln and Douglas had, accordingly, appeared upon 20th January instant; when, their testimony having been heard and considered, the Lords found the execution and indorsation of the said letters of suspension "to be fals and fenyeit," and therefore deposed the said James Stewart, executioner of the said letters, from his office, ordaining also the surety found for his good behaviour in his office to be pursued for the penalty contained in the act made thereupon.—His Majesty, therefore, now finds that the Earl of Huntley, "in the executioun of his Hienes commissioun foirsaid", has done him worthy and acceptable service, though this declarator is not to be prejudicial to the Earl of Murray or any of his accomplices in their lawful defences "in the criminall jugement quhen thay sal happin to be callit for the said slauchter befoir his Hienes justice."[1]

Acta 1589-91.

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[1] In explantion of this entry, and as also throwing light on some previous entries concerning the perplexed relations of the Earl of Huntly, the Earl of Murray, the Laird of Grant, &c. (*e.g.*, *ante*, p. 548), the following may be quoted from Spotswood (p. 382):—

Acta 1589–91.

Caution for Gawin Drummond.

Caution by George Drummond of Balloch for Gawin Drummond, servitor to Lord Mar, that the corns which grew upon the lands of Kildeis this year, or the value thereof, shall be furthcoming to all having right.

Caution for Stephen Donald and others.

Caution by Francis Naper, assayer of the cunyiehouse, for Stevin Donald, Johnne Wilsoun, Johnne M^{c}Calyeane, and Alexander Creich, in Pitluver, that Adam (? Andro) Dury in Medowend shall be harmless of them, conform to the letters raised by him against them,—John Andro subscribing for the principals.

Edinburgh, 25th Jan.

Caution for Gilbert Fraser and others.

Caution by Johnne Dunbar of Mochrum for Gilbert Frasair in Chany and Archibald Maxwell in Billintrea, that Michael M^{c}Crocart in Clone, Rankene Jardane there, and Cubbie M^{c}Culloch there, shall be harmless of them, under the penalties contained in the letters raised against them to this effect.

Edinburgh, 26th Jan.

Caution for Crichton of Innernetie.

Caution by James Drummond of Cardneis for Robert Creichtoun of Innernytie in £500, and for Johnne, James, and Robert, his sons, in £200 each, that they will not harm Johnne Ruthven in Tullibeltoun,

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Caution for the Lord of Spynie and James Ferret.

Caution by Johnne Lindsay of Ballinsho for Alexander, Lord of Spynie, in £1000, and for James Ferrett in £500, that Robert Douglas of Enochtie, Johnne Boyd of Bonsla, and the other tenants of the lordship of Abirdour, George Heich in Dalkeith, David Nymble there, and the other tenants of the lordship of Dalkeith, Thomas Douglas, George Douglas, and the other tenants of the lordship of Lintoun, Thomas Moir in Abirargie, Thomas Williamsoun in Corfargie, and the other tenants of the lordship of Abirnethy, Laurence Dempstartoun, David Stik, and the other tenants of the lands and barony of Kinroshire and Lathrone, Alexander Carrik, Patrik Fouller, and the other tenants of the lands and barony of Temptalloun, with the other tenants of the conjunct fee, terce and liferent lands of the earldoms of Angus and Mortoun, belonging to Dame Jeane Lyoun, Countess of Angus, shall be harmless of the said Lord and James.

"In the North a dissension brake out [in the end of 1590] betwixt the Earls of Huntley and Murray, that kept those parts a long time in trouble, the occasion whereof was this:—John Gordon, son to Thomas Gordon of Cluny, having married the widow of Grant of Ballendallagh, it happeneth in a private quarrel one of Gordon's servants to be killed by the Tutor of the house. Gordon pursuing him before the Justice, for not appearing he was denounced rebel, and commission given to the Earl of Huntley, as sheriffe of the countrey, to apprehend him. The Earl, making search for him, cometh to the house of Ballendallagh, and, after some resistance, taketh it by force, but findeth not the Tutor. This the family of Grants interpreting to be done in their disgrace, they betook themselves to the patrociny of the Earl of Murray; and with them the Clanchatton and divers of the name of Dumbarre did joyn. Huntley, offending that any in these parts should make head against him, and having understood that the Earls of Atholl and Murray were to meet those clans in Forres for making up a confederacy, did assemble his friends, and went thither to dissolve the meeting; but before his coming they had severed, and the Earl of Murray was returned to his House of Tarnway [*i.e.*, Tarnaway or Darnaway Castle, in the west of Morayshire]. Huntley taking that way home, and some of his company riding about the house in manner of a bravado, they within discharging some musquets upon them, it happened the same Gordon that married the widow to be killed. To be revenged of this affront, Huntley gathered forces to invade the Earl of Murray; and he, assisted by the Earl of Atholl, his cousin, prepareth to defend."

Edinburgh, 28th Jan. Caution for Lyell of Murthill and his brother.

Caution by Thomas Lyell of Murthill, as principal, and James Skryngeour of Dudop, constable of Dundee, as surety for him, in 1000 merks, and by the said Thomas and James for Johnne Lyell, brother of the said Thomas, in 500 merks, that they will not harm Johnne Ogilvy of Inchewne. Acta 1589–91.

Edinburgh, 30th Jan. Band for John Collison and others.

Registration, by Alexander King, advocate, as procurator for the parties, of a band of caution by Williame Leslie of Wardes for Johnne Collisoun of Auchluneis in £1000, and for Johnne Gaw in Auchluneis and Williame Cruikshankis in the Newhall of Auchluneis, in 1000 merks each, that they will not harm Mr Andro Harvy, his tenants or servants. Subscribed at Abirdene, 26th January, before Mr Robert Paip, advocate, Williame Davidsoun, burgess of Abirdene, and Mr Williame Ray, notary public, who subscribes for Gaw and Cruikshank. Page 474.

Edinburgh, 1st Feb. Caution for William Irving and others.

Caution by Robert Grahame of Thornik for Williame Irwing in Knokshynnane, James Soutair there, Robert Burne there, Williame Burne there, Johnne Soutar in the Clonwode of Kinclevin, Johnne Bait in Tenquhithillok, Robert Lamb at the Myln of Innernytie, Williame Young in Knokshynnane, Williame Lamb in Brumehillok, Andro Bait in Knokshynnane, Andro Forsyith in Mekle Tullibeltane, Robert Gregour there, James Dow, elder, there, James Dow, younger, there, Thomas Watt there, in 100 merks each, that they will not harm Johnne Ruthven in Tullibeltane,—Johnne Creichtoun, apparent of Innernytie, becoming cautioner in relief.

Edinburgh, 2nd Feb. Caution for Dunbar of Tarbert and others.

Caution by Johnne Dunbar of Mochrum and Patrik Dunbar of Boighoill, sheriff wardatar of Elgin and Fores, for James Dunbar of Tarbert in £1000, for Mr James Dunbar and Normond Dunbar in 1000 merks each, and for Gilbert Dunbar, his three sons, James Ruthirfurde, his servant, Hucheoun Forsyith in Seykirk, Williame M°Kie in Dunfell, Johnne Moir Foirsyith, James Thane in Sanquhar, Loury M°Kie, officer to the said James Dunbar of Tarbertt, and Williame Robertsoun in Braymurray, in 300 merks each, that they will not harm Thomas Cuming of Altir.

Caution for John, Earl of Menteith.

Caution in 300 merks by Robert Grahame of Thornik and Williame Grahame of Panboillis for Johnne, Earl of Menteith, that he will not harm Dame Margaret Douglas, Countess of Menteith, her tenants or servants.

Edinburgh, 3rd Feb.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Mortoun; Montrois; Craufurde; Lindsay; Ogilvy; Neubottle; Blantyre; Murdocairny; Ormestoun; Clericus Justiciarie; Clericus Registri; Collector; Culluthy; Carmichaell. Page 475.

Act against convocation in arms before the King, or in the burgh of.

Notwithstanding divers Acts of Parliament and Council forbidding convocation of the lieges in arms, such is "the pryde and presumptioun of sindrie noblemen, baronis and utheris," that often, and chiefly of late, they have not hesitated to repair to the King's presence, to justice courts, to

Acta 1589–91. general conventions, and to the burgh of Edinburgh "for thair awne privat eirandis," with armed companies, sometimes even "pretending ane eirand quhenas thai had nane, bot purpoislie to brag and mak provocatioun of trouble." The quarrels and other evils thence arising having been considered, his Majesty "hes thocht meit, besydis his Hienes intentioun tuicheing the punishement of the contravenaris of the same Actis in maner following, to signifie alswa the certane nowmer of personis with the quhilkis all erllis, lordis and baronis may saulflie repair to his Hienes presence, or to the burgh of Edinburgh at justice courtis, conventionis, and for thair awne privat eirandis;—that is to say, every erll xxiiii personis or within, every lord xvi personis or within, and every barroun ten personis or within,—all in peceable and quiet maner, without armour, and cheiflie without daggis, pistolettis and uthiris ingynis of fyre werk." Proclamation to this effect is to be made at the market crosses, forbidding also all the lieges, and chiefly the said earls, lords and barons, to repair to the King's presence, or to conventions general, except when specially sent for, "nor yit to justice courtis without thay be summoned and have specialie adó to persew or defend thairin," nor yet to the burgh of Edinburgh for their private errands, "except the necessitie be swa that without thair awne presens the same can nocht guidlie be done, and that the samin be signifeit to his Majesty and his Hienes speciall licence had for thair cuming; and that all sic as cumis upoun ony of thir occasionis repair in peceable and quiet maner, without daggis, pistolettis or uthir armour, saulffand sword and quhinzeair, and with na greitar nowmer nor is specialie abone expressit," all under the penalties contained in the said Acts, viz., confiscation of their moveables and warding of their persons during the King's will. There is to be certification also to all earls, lords and barons that, if any of their attendants repairing as abovesaid shall contravene this Act or commit any capital crime, the "same erll, lord, or barroun, with quhome thay salbe in cumpany the tyme of the committing thairof, salbe haldin to ansuer for thame." Further, for the better execution of the Acts passed against shooting with fire-arms, the King gives full power to the master-porters of his castles and palaces where he shall happen to reside for the time, and to the ordinary gunners of his castle of Edinburgh within the bounds of the burgh of Edinburgh, Cannogait, and other places "ewest to the placeis of his Hienes residence," to search and confiscate all "ingynis of fyre werk," and to apply the same "in pairt of payment of thair ordinar feis,"—the provosts and bailies of burghs, with their officers, assisting them in the execution of this order. Still further, all makers of dags and pistolets are to "denude and red thameselffis and thair houssis" of the same within one month after the publication hereof, and are not to manufacture any "maner of fyrewerk" after that term, "except the samin be three quarter lenth at the leist," or to sell any such fire-arms till such time as the buyers shall have found surety, each in 500 merks, that they shall use them only in conformity with the said Acts of Parliament,—the penalty on offending makers and sellers to be confiscation

Edinburgh, with special regulations against the wearing, or sale of fire-arms.

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of their "werklumis" and moveables, and warding of their persons during the King's will. Acta 1589–91.

Thomas Foulis, goldsmith, against the provost and bailies of Edinburgh.

Complaint by Thomas Foullis, goldsmith, burgess of Edinburgh, as follows:—He had lately "cravit maist humblie" the provost and bailies of Edinburgh "that command micht be givin to Alexander Uddart, thair deane of gild, to have buikit ane prenteis of his, nameit George Hammiltoun, sone lauchfull to James Hammiltoun of Orbistoun, according to the ordour and previlege grantit to utheris craftismen and burgessis of the said burgh, and appunctuament maid betuix the maircheantis and craftismen of the samin." The reply had been that, when he should renounce the exemption granted to him by the King "fra watcheing, warding and payment of taxationis," effect should be given to his desire,—"as thocht he had ressavit this previlege frome thame, or that the same had bene purchest purpoislie be himselff, quhilk wes nocht, bot the previlege of his office of sinkair in his Hienes cunyiehous befell to him, quhilk, he declairit, he could nawise renunce without he wald lykwayes renunce and discharge his said office, with the quhilk the uthir wes conjoyned, and fra the same culd nawise be dividit without his Majesteis consent and the consent of the remanent officiaris of the said cunyiehouse, quha had speciall interesse thairin, and on nawayes wald consent thairto."—Charge had been duly given to Johnne Arnott, provost, Clemett Cor, Thomas Aikinheid, Mr James Johnnestoun, and Alexander Naper, bailies of Edinburgh, to appear and answer; and, as they do not appear, while the complainer appears personally, the Lords order them to grant the prayer of the complainer within 24 hours after being charged, under pain of rebellion. Page 477.

Act for coining 200 oz. of gold to help in meeting the King's greatly increased expenses since his marriage.

The King and Council, with the commissioners appointed by the Estates "for ordour-taking with the cunyie," considering that his Majesty's property, casualties and rents, "ar sa gritlie hurte and diminissit that presentlie the same is not able to beir oute the chargeis of his Hienes house, quhilk now, be ressoun of his mariage, is augmentit in tryne and uthirwise, nor yit pay the ordinar feis of his Hienes officiaris and servandis, far les to sustene the chargeis and expenssis of the publict effearis of the realme," have resolved that 200 oz. weight of "utter fyne gold" shall be coined "in the thrissill noblis, keipand the same wecht, fynnes, circumscriptioun, and proportioun in all thingis as is mentionat and prescrivit in the Act and ordinance maid thairanent of befoir." They, therefore, command the different officers of the cunyiehouse "to proceid in working of the quantitie of gold abonewrittin in maner abonespecifeit, and to deliver the free proffeit thairof, appertening to his Majestie, to David Seytoun of Parbroith, his Hienes comptroller, to the effect abonementionat."

To denounce Pringle of Murehouse and others for not answering a charge of

Complaint by George Hoppringle of Torthourlie, Richard Hereot, younger of Trabroun, and the father, with the remanent kin and friends, of the late David Tailliour, servant to the said George, as follows:—Upon Sunday, 10th January instant, while they were at the kirk of Stow, "heiring the sermone," and, after the sermon was over, "being in the kirk- Page 478.

Acta 1589–91. yaird of the Stow, lyppynning for na trouble," Johnne Hoppringle of Murehous, George Hoppringle, his eldest son, Williame Spottiswode of that Ilk, George Halden of that Ilk, James Hunter of Haitburne, Williame Lauder of Quhitsled, James and Thomas Lauderis, his brothers, Johnne Halden, brother to the said George Halden of that Ilk, Williame Spottiswode, father-brother of the said Williame Spottiswode of that Ilk, Gawin Harvy and Thomas Ruthirfurde, his servants, Williame Dewar in the Pirne, and George Watsoun, servant to the said George Hoppringle of Murehous, with their accomplices, to the number of 24 persons, "all bodin in feir of weir," came to the said kirkyard, "and maist aufullie invadit and persewit the saidis complenaris of thair lyveis, cruellie and unmercifullie slew the said umquhile David Tailliour, and hurte and woundit the said Richard Hereot in the face, to the effusioun of his blude in grite quantitie." —The accused, with the exception of Williame Dewar, having been summoned to answer this day, but not appearing, while George Hoppringle of Torthourlie, and Richard Hereot, younger of Trabroun, appear for the pursuers, the order is to denounce the defaulters rebels. riot and slaughter.

Some variance having "laitlie fallen oute" between Michael Balfour of Burley and Johnne Barclay, brother of David Barclay of Cullerny, "movit upoun a licht occasioun," and the said Johnne having been charged to appear and underlie such order as might be "prescrivit for observatioun of his Hienes peace," under pain of rebellion, the Lords now order him to be denounced for failing to appear. Order to denounce John Barclay.

Registration, by Mr Williame Oliphant, advocate, as procurator for the surety, of a band of caution by Alexander, Lord Hume, for Thomas Fotheringhame, elder of Poury, in 2000 merks, and for Thomas, younger, in £1000, that they will not harm Allesoun Charterhous, Lady Poury, or Mr James, Alexander, and Williame Fotheringhames, her sons. Subscribed at Edinburgh, 30th January, before Andro Gray, Thomas Tyrie, and Robert Trotter. Band for Fotheringham of Poury.

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Registration, by Mr Johnne Prestoun, advocate, as procurator for the surety, of a band of caution by Sir Walter Ogilvy of Findlattir for Mr Andro Harvie in Blairis in £1000, and for Thomas Harvie in Muchallis, his son, in 1000 merks, that they will not harm Johnne Collisoun of Auchluneis, burgess of Abirdene, Johnne Gaw in Auchluneis, or Williame Cruikshank at the Newhall of Auchluneis,—James Harvie, eldest son and apparent heir of the said Mr Andro, becoming surety in relief. Subscribed at Edinburgh, 3rd February, before George Gawin, George Hume, and James Ogilvy, servants to the said Sir Walter. Band for Mr Andrew Harvey and his son.

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Caution in £200 by Johnne Hereis of Crochmoir for Katherene Kirks in Drumfreis, that she will not injure Archibald M^{c}Brair in Drumfreis. Caution for Katherine Kirks.

Registration, by Walter Hendirsoun, as procurator for the parties, of a band of caution by Thomas Fotheringhame of Pourie for David Maxwell of Teling in £1000, and by the said David for Robert and Hew, his brothers, and Patrik and David, his sons, in 300 merks each, that they will not Edinburgh, 4th Feb. Band for Maxwell of Tealing and others.

harm Allesoun Charterhous, Lady Pourie, or Mr James, Williame and Alexander Fotheringhames, her sons. Subscribed at Teling and Pourie, 1st February, before Williame Grahame of Baldowie, Alexander Doun, Williame Grahame, servants to the Goodman of Baldouie, and David Ardes, servant to the said Maxwell of Teling. Acta 1589–91.

Holyrood-house, 5th Feb.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Craufurde; Mairshael; Montrois; Ogilvy; Lindsay; Spynie; Thesaurarius; Neubottle; Blantyre; Clericus Justiciarie; Clericus Registri; Murdocairny; Computorum Rotulator; Collector; Culluthy; Carmichaell. Page 481.

Exoneration to Lumsden of Airdrie for a jewel belonging to the King and now delivered up.

Charge having been given to James Lummisden of Ardrie, and Williame Naper of Wrichtishoussis, burgess of Edinburgh, to produce before the Council "ane precious stane and jewell belanging to his Hienes (see *ante*, p. 537), and the said James now appearing for himself and for Naper and delivering to his Highness the said jewel, his Majesty grants receipt for the same and therefore exonerates and discharges the said James,—relieving him and Naper at the same time of responsibility for it to the Countess of Angus, from whom the said James had received it, not knowing it to be the King's.

Order to denounce John Seton of Pitblair.

Complaint by George Mar at the Miln of Ithsyre and Johnne Moir in the Newsaitt of Tolquhone, tenants to Williame Forbes of Tolquhone, and by the said Williame, their master, for his interest, as follows:—Upon 8th July last Johnne Walker at the Miln of Muny had been denounced rebel and put to the horn at the instance of the said complainers for his non-appearance to answer a complaint of theirs: "at the proces quhairof he hes maist proudlie and contempnandlie remanit sensyne," having no regard to the said horning, but passing up and down the country,—"hantand kirkis, mercattis, and all utheris publict placeis of this realme and societie of men." Further, the said Johnne dwells upon the lands of Johnne Seytoun of Pitblair, who is therefore obliged by the general band to enter him before the Council,—"quhilk he refuissis to do without he be compellit." Seytoun having been charged to appear personally and enter his said man, but having done neither, while the complainers appear by Forbes, son of Forbes of Tolquhone, the Lords ordain Seytoun to be denounced rebel. Page 482.

Caution for John Ogilvy and others.

Caution by Alexander Guthrie, fiar of Kincaldrum, for Johnne Ogilvy of Innerquharratie, and by the said Johnne for David, his brother, Archibald Ogilvy and Thomas Simsoun, his servants, Johnne Ramsay, David Walker, and Alexander Carnegy, tenants to Thomas Fotheringhame of Poury, that they will not harm Allesoun Charterhous, Lady Poury, or Mr James, Alexander, and Williame Fotheringhames, her sons, under the pains contained in the letters executed against them.

Caution by Harie Stewart of Rossyith for David Makilroy, burgess of

Acta 1589–91. Culrois, that he shall pay to Edmond Arnold, Englishman, in Hippiswiche, and Williame Wasselbie in Wellis, all sums recovered by them against him (*ante*, p. 558). Caution to the same effect by Edward Meklejohnne, merchant, burgess of Edinburgh, for Williame Bad in Torriburne. Edinburgh, 6th Feb. Caution for David McKilroy and William Bad.

Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band of caution by Sir Walter Ogilvy of Findlettir for Alexander King, advocate, James King, burgess of Abirdene, Elizabeth Gray, relict of James King, portioner of Barrauch, in 500 merks each, and for Williame Johnnestoun in Inverrourie in 300 merks, that Alexander Setoun of Meldrum, Johnne Seytoun of Limfurde, Williame Setoun, his son, Mr George Setoun and James Seytoun, brothers to the said Alexander, Alexander Irwing, apparent of Drum, Mr Robert Irwing and Irwing, his brothers, Frasair of Muchall, Alexander Buchane of Auchmacoy, Williame Strauchane, apparent of Tippertie, Williame Meldrum of Badinscott, George Meldrum, his brother, Williame Seytoun of Blair, Alexander and George Setonis, his brothers, George Setoun of Auchinhoves, Alexander Seytoun, his brother, Johnne Leslie of Duncanstoun, Alexander Seytoun in Ardconnen, Johnne, Niniane, and Gilbert Setonis, his brothers, Johnne Setoun of Pitblaire, Williame Setoun, his son and apparent heir, Williame Setoun of Kingissait, Williame Seytoun, called Cambustane, Alexander Blakhall, portioner of Barrauch, James Blakhall, his brother, and Johnne Pautoun in Percok, shall be harmless of the said persons. Subscribed at Edinburgh, 6th February, before George Hume, Williame Ogilvy, George Gawin, and George Richartsoun, "our servitouris." Band for Alexander King and others.

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Registration, by Mr Alexander King, as procurator for the parties, of a band of caution by Alexander Frasair of Phillorth for Williame King of Barrauch in 1000 merks, for Williame King in Fosterhill in 500 merks, and for Alexander and Williame Kingis, his sons, and David King, vicar of Bourty, in 300 merks each, that Alexander Setoun of Meldrum and the others mentioned in the preceding entry shall be harmless of them. Subscribed at Edinburgh, 6th February, before Williame Pettindrech, Walter Frasair, "my bruthir," James Frasair, servitor to the said Alexander King, and Gilbert Gray, student. Band for William King of Barach and others.

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Caution by Johnne Taillifefeir of Abintoun for Petir Furde, and Andro Wilsoun, subtenant to Williame Rollok of his lands of Inchyra, in 300 merks each, that Petir Cochrane of Pitfour, David Cochrane, his son and apparent heir, George Watterstoun, Williame Grahame, Thomas Simsoun, and Williame Duncane, shall be harmless of them. Edinburgh, 9th Feb. Caution for Peter Ford and Andrew Wilson.

Complaint by Archibald Hiegatt, son and apparent heir of Williame Hiegatt, burgess of Glasgu, as follows:—Upon 11th September last, "he being maist cruellie invadit and persewit of his lyffe be sum of his unfreindis, and hurte and woundit in divers pairtis of his body, and be thame left for deid, thay immediatlie fled to the place of Ferme, quhair Edinburgh, 10th Feb. To denounce Crawford of Ferme for not answering a complaint of Archibald Hiegate.

thai wer ressavit with the bludie hand be James Craufurde of Ferme, and intertenyit within his place unto the xx day of the said moneth thaireftir," the said Craufurde thus becoming art and part with them in the said deed. "And, the said James getting knaulege that the said complenair wes nocht depairtit this lyffe, bot that thair wes sum appeirance of his convalesing, he comé upoun the day of October last to the citie of Glasgu, quhair he directit his cartaill to the said complenair, contening mony injurious and blasphemous speicheis, with a denunciatioun of his evill will to him, and avowing to help to mak his bed in his awne blude; for quhilk purpois he, accumpanyed with his servandis, bodin in feir of weir, with bendit pistollettis in thair handis, come upoun the same day, aboute twa eftir none, to the said complenaris duelling hous in Glasgu, quhair he wes lyand bedfast for the tyme, in grite disease and dangeir of his lyffe, unconvalesitt of the said woundis; and, getting entres at the said complenaris utter yett, quhilk wes than oppin, he come up the stair be way of hamesuckin, and knokkit in a freindlie maner at the said complenaris halldur, quhilk being oppynnit, he preissit with all violence and force to have enterit, haveing a bendit pistollett in his hand reddy to have bene dischargeit. And, being disapointit be the help of sum nichtbouris, quha wer present with the said complenair, and with force withstude and resisted his entrie within the said hous, he depairtit, eftir mony vowis maid that he suld have the said complenaris lyffe; for accomplissing of quhilkis vowis he daylie and nichtlie lyis at await for the said complenaris slauchter, using all meanis quhairby, oppinlie be way of deid, or utherwise be craft and policie, he may slay and murder him; throw feir of quhais persute the said complenair dar nocht repair furth of his awne house eftir the falling of the nicht, without he be armed and accumpanyed with his freindis."—The complainer appearing by Alexander Oiswald, his procurator, Craufurde, having disobeyed the charge to appear, is to be denounced rebel.

Acta 1589–91.

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Caution for Alexander Blackhall and his brother.

Caution by Alexander Burnett of Leyis for Alexander Blakhall, portioner of Barrauch, and James Blakhall, his brother, that Williame King of Barrauch, Williame King in Fosterhill, Alexander and Williame Kingis, his sons, David King, vicar of Bourtie, Alexander King, advocate in Edinburgh, James King, burgess of Abirdene, Elizabeth Gray, relict of James King, portioner of Barrauch, and Williame Johnnestoun of Inverroury, shall be harmless of the said persons.

Caution for David Lamb and others.

Caution by James Bellenden of Kynneuchan (Kilkouchen), and Williame Ramsay, clerk of Brechin, for David Lamb, flesher, David Guthrie, cordiner, Thomas Sewane, baxter, David Croill, cordiner, Williame Peiris, Thomas Smith, Alexander Taillíour, Marjorie Duncane, relict of Thomas Will, all inhabitants of Brechin, in £100 each, that they shall appear when next warned in the cause pursued against them by Edmond Arnold, Englishman,—William Ramsay, notary, subscribing for Croill, Lamb, Guthrie, Peiris, Shewan, and Smith, who cannot write.—(This Act is deleted by a warrant subscribed by the King, the Treasurer, and the Secretary, at Haliruidhous 22nd December 1592.)

Acta 1589–91.

Sederunt—Rex; Cancellarius; Hammiltoun; Angus; Errole; Mortoun; Craufurde; Paislay; Lindsay; Ogilvy; Hereis; Spynie; Thesaurarius; Murdocairny; Blantyre; Barnbarrauch; Collector; Menmure; Clericus Registri; Culluthy. Edinburgh, 12th Feb.

To denounce John Dingwell and Donald Dingwell for not answering to a complaint of Bane of Tulloch and his son.

Complaint by Alexander Bane of Tulloch, and Alexander Bane, his son natural, in Knokinbaxter, as follows:—They and their tenants have for many years "sustenit maist oppin and manifest oppressionis, injureis, and wrangis of Johnne Dingwell of Kildun, and Donald Dingwell, his servand, and utheris the said Johnis compliceis, at his speciall causing and command: as namelie the said Donald, at his speciall command and hounding, come in the moneth of August 1589 to the duelling house of the said Alexander Bane, youngair, in Knokinbaxter, and cruellie and shamefullie invadit and persewit him of his lyffe, hurte and woundit him in his richt shoulder, to the effusioun of his blude in grite quantitie; and, not satisfeit heirwith, the said Johnne Dingwell come, in the moneth of October, the yeir foirsaid, to the landis of Coussie, pertening to the said Alexander Bane of Tulloch, and thair, undir cloude and silence of nicht, on his maner, assegeit the house of Johnne M°Intogach in Mekle Oussie, his tennent, and at last violentlie enterit within his hous, quhair he, his wyffe, and bairnis wer in peceable and quiet maner for the tyme, takand the nichtis rest, tuke him naikit furth thairof and led him as captive and prisoner with thame to the house of Kildoun, quhair he detenit him as captive and prisonair, fetterit and bound to ane stoup with ane wicht bow string, the space of xlviii houris." Again, at Michaelmas last, he came to the complainer's said lands, "and barbarouslie, shamefullie and unhonnestlie slew ane meir with foill pertening to the said Alexander Bane, youngair, and hes biggit houssis on the loch of Oussie to stay the wattergang to the miln of Oussie, pertening in heritage to the said Alexander."—The complainers appearing by Alexander Bane, lawful son to the said Alexander Bane of Tulloch, the said Johnne and Donald, for failing to appear, are to be denounced rebels.

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Decree in favour of Livingston of Abercorn, against Maxwell of Cowhill.

Suit by Johnne Levingstoun of Abircorne against Archibald Maxwell of Cowhill:—The said Archibald, having been put to the horn and having committed certain capital crimes, had "travellit with the said Johnne not onlie to procuir at his Hienes handis the gift of his esheit to his awne use and behuif, bot alswa ane respett for the saidis crymes, upoun promeis maid be him to repay to the said Johnne all and quhatsumevir he suld deburse upoun these turnis, as alswa to fulfill certane utheris thingis conditioned betuix thame. Quhairupoun the said Johnne sa travellit at his Majesteis handis that he procuirit baith the gift of the said Archibaldis eshete and respett, upoun payment of grite soumes of money for compositioun, and passing and expeding of the same throw the seillis, lippynning that the said Archibald not onlie graitfullie suld have usit himself towardis the said complenair, bot alswa suld have fulfillit the haill

premissis conditioned betuix thame. Nevirtheles, he hes not onlie disappointit the said Johnne in that point, bot refuissis to satisfie him for the sowmes of money advanceit be him."—Both parties appearing personally, the Lords ordain the said Archibald to find surety in 5000 merks that he shall remain in Edinburgh till he has satisfied Levingstoun, at the sight of Sir Robert Melvill of Murdocairny, treasurer-depute. Acta 1589–91. Page 487.

Petition of the barons and freeholders of Nithsdale, for cancelling the commission of Carmichael of that Ilk as warden of the West March: Order of Council modifying the said Commission.

Supplication by the barons and freeholders of Nithisdale, with their dependents, as follows:—The petitioners "at all tymes ar not onlie subject to the maisterfull reiffis, stouthis, heirshippis and oppressionis of the thevis and brokin men, inhabitantis of baith the realmes, bot als to the continuall attendance, meittingis and raidis to be maid be the wardane of the West Marche of this realme, ather for repressing of the insolence of the dissobedient personis, inhabitantis thairof, or yit for keiping of dayis of trew with the wardanis of the Marche opposite, to thair grite chargeis and expenssis, besydis the hasaird of thair awne lyveis, na utheris of his Majesteis subjectis of the incuntrey subject, at the leist in use, of the lyke service,—quhilkis, all for the zeale and luiff thai beir to the advancement of his Hienes authoritie and service and to the punishement of vice, thay have willinglie borne with. Bot now, being of lait astricted to a kynd of jugement establissed in the persone of Johnne Carmichael of that Ilk, present wardane of the West Marche, quhairof the lyke sendle, or at na tyme, hes bene in the persone of ony subject of this realme heirtofoir, cheiflie to compone and grant remissionis for all crymes propir onlie to his Majesteis selff, thay find thameselffis sa prejugeit heirby, be drawing of thame continuallie fra thair awne lefull effearis and busines to attend upoun his courtis and to serve his turne at all tymes as assessouris, sumtymes quhen as thair is na sic necessitie, that thai ar forceit to meane thameselffis to his Majestie and the saidis Lordis for remeid." Pleading that the extraordinary commission of the said Carmichael is a "novatioun" and dangerous "preparative," and "may move utheris wardanis heireftir to sute the lyke," they humbly desire that by an Act of Council the said commission may be declared null.—Johnne Gordoun of Lochinvar appearing for himself and for the other petitioners, and the said warden appearing personally, the Lords ordain the said commission to be effectual for holding justice courts within the said bounds of Nithsdale only so long as he continues warden of the said March, at the same time discharging the part thereof touching the holding of justice aires, or granting of respite, remission or other pardon "upoun compositioun for capitall crymes," and decerning that no commission shall be granted to the said warden or to any other "for halding of justice airis, fynning and componing for ony crymes, or granting of respett, remissioun or uthir pardoun thairfoir upoun compositioun at ony tyme heireftir, except his Majestie, upoun gude, wechtie and necessair considerationis, salbe movit thairunto." Page 488.

Order to denounce

Complaint by Jonnett Somerville at the Miln of Dunsyre, and Petir

Acta 1589–91. Patoun, her spouse, for his interest, against Bessie Douglas, wife of Robert Douglas of Wellis, James Fairbrand, Williame Patoun, James Douglas, son of the said Robert, Agnes Douglas, Bartie Steill, Weir, servant to the said Robert, with their accomplices. They had come in November last, "undir cloude and silence of nicht," to the dwelling house of the complainers in Dunsyre, "quhair thai wer in peceable and quiet maner for the tyme takand the nichtis rest, lippynning for na violence, injurie, nor trouble" and there "violentlie brak up the durris of the said house," and, having entered, not only reft the whole victual found by them there, but afterwards "shamefullie, maliciouslie and unnhonnestlie straik and dang the said Jonnett in divers pairtis of hir body."—Williame Pautoun and Bartie Steill had been warned to answer; and now, the complainers appearing by George Strauchane, their procurator, the said Williame and Bartie, for failing to appear, are to be denounced rebels. William Paton and Bartie Steel.

Caution in £1000 by Sir James Hammiltoun of Libbertoun, as principal, and Alexander Hammiltoun of Netherfeild, as surety for him, that he will not harm Robert Somervile in Newmanis. Caution for Hamilton of Liberton.

Caution by Archibald Baillie of Hillis (Auldstoun) for Robert Douglas of Wellis, and Bessie Douglas, his spouse, in 500 merks, and for James Fairbrand, Agnes Douglas, and Robert Weir, servants to the said Robert, in 300 merks each, that they will not harm Jonnett Somervile at the Myln of Dunsyre, or Petir Patoun, her spouse. Edinburgh, 13th Feb. Caution for Douglas of Wells and others.

Page 489. Caution in 5000 merks by George Hereis of Madinpap and Robert M^cBrair of Almagill for Archibald Maxwell of Cowhill, that he shall remain in Edinburgh till he satisfy Johnne Levingstoun of Abircorne in terms of the desire of the 12th inst. (*ante*, p. 579). Edinburgh, 15th Feb. Caution for Maxwell of Cowhill.

Caution by Robert M^cBrair of Almagill, as principal, and Archibald Maxwell of Cowhill, as surety for him, in 1000 merks, and by the said persons for Archibald M^cBrair, burgess of Drumfreis, in 500 merks, that they will not harm Katherene Kirk in Drumfreis. Caution for Robert and Archibald M^cBrair.

Registration, by Mr Johnne Dempstair, advocate, as procurator for the sureties, of a band of caution by Johnne Gordoun of Pitlurg and Andro Frasair of Stanewode for Alexander Setoun of Meldrum in £1000, for Johnne Seytoun of Lumfurde, Williame Seytoun, his son, Mr George Seytoun, chancellor of Abirdene, James Seytoun, burgess of Abirdene, Alexander Buchane of Auchmacoy, Williame Strauchane, apparent of Tippertie, Williame Meldrum of Badinscott, Williame Seytoun of Blair, George Setoun of Auchinhuif, in 500 merks each, for George Meldrum, brother of Williame Meldrum of Badinscott, Alexander and George Setonis, brothers to Williame Setoun of Blair, Alexander Setoun, brother of George Setoun Band for Alexander Seton of Meldrum and others.

Page 490. of Auchinhuif, Johnne Leslie of Duncanestoun, Alexander (? Williame) Seytoun in Ardconnen, Ninian (? Williame), Johnne and Gilbert Setonis, his brothers, and Williame Seytoun of Disblair, in 300 merks each, and for Williame Seytoun in Kingissait, Williame Seytoun, called Cameisten, and

Johnne Pautoun in Percok, in 200 merks each, that Williame King of Barrauch, James King, burgess of Abirdene, Alexander King, advocate in Edinburgh, Elizabeth Gray, relict of James King, portioner of Barrauch, Williame King in Frosterhill, Alexander and Williame Kingis, his sons, David King, vicar of Bourtie, and Williame Johnnestoun in Inverroury, shall be harmless of the said persons. Subscribed at Kynmundie, 8th February, before Johnne Gordoun, apparent of Carnborrow, Thomas Gordoun, his brother, Alexander Setoun, brother of Williame Setoun of Blair, Williame Wode, servant to the Laird of Mucall and Stannewode. Acta 1589-91.

Caution for Alexander Fraser of Stoneywood.

Registration, by James Harvie, advocate, as procurator for the parties, of a band of caution in 1000 merks by Alexander Seytoun of Meldrum for Alexander Frasair of Stanewode, that Williame King, portioner of Barrow, James King, burgess of Abirdene, Alexander King, advocate in Edinburgh, Elizabeth Gray, relict of James King, portioner of Barrow, Williame King of Fosterhill, Alexander and Williame Kingis, his sons, David King, vicar of Bourtie, and Williame Johnnestoun in Innerrourie, shall be harmless of the said Frasair. Subscribed at Abirdene, 29th January, before Andro Skene in the Glak, Mr James Forbes in Auchinloch, Johnne Wode and Mr Williame Frasair in Clinteran, George Seytoun of Auchinhuif, Mr Alexander Seytoun, his brother, Alexander Setoun, brother of the Laird of Blair.

Edinburgh, 19th Feb. Band for William Heriot.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of a band of caution in £500 by Johnne Lokhart of Burrowfeild for Williame Hereott, baxter, burgess of Glasgu, that he will not harm James Lyoun, Mr Johnne Ros, Archibald Campbell, Mathew Semple, Mathew Colquhoun, David Robiesoun, or Walter Denneistoun, burgesses of the city. Subscribed at Glasgu, 15th February, before Thomas Fawsyde, Williame Glen, Mathew Young, baxters, burgesses of Glasgow, Johnne Houchesoun of Kenmure, and Johnne Huchesoun in Gairbraid,—George Huchesoun, notary public, subscribing for the said Williame Hereot. Page 491.

Caution for Alexander Ruthven.

Caution in £500 by James Fentoun of Wester Ogill for Alexander Ruthven, brother of the late Williame, Earl of Goury, that he will not harm Dame Dorathie Stewart, Countess of Goury.

Edinburgh, 20th Feb. Caution for Thomas and John Geddes.

Caution by Johnne Hay of Smeithfeild for Thomas Geddes in Hairstane and Johnne Geddes of Kirkurde in 500 merks each, that they will not harm Andro Broun in Edmestoun.

Band for Robert Stirling of Letter.

Registration, by Alexander King, advocate, as procurator for the surety, of a band of caution in £1000 by Johnne Stirling of Glorat for Robert Stirling of Lettir, that Mr Johnne Ros, court clerk in Glasgu, James Lyoun, David Robiesoun, Archibald Campbell, Mathew Semple, Mathew Colhoun, Dennistoun, inhabitants of Glasgu, shall be harmless of him. Subscribed at Glorat, 17th February, before Alexander Douglas of Manis, Johnne Stirling, apparent of Glorat, Mr Williame Stirling, "my sone," and Mr Johnne Bell, minister at Calder. Page 492.

Acta 1589–91. Caution by James Boiswell of Afflek and David Craufurd of Balcraig for Quintene Craufurd of Drumlath in £500, and for Williame Craufurde in Silliehoill, George Stevinsoun in Clafin, and Andro M^c^Adam, servant to the said Quintene, in 500 merks each, that they will not harm Williame Greir of Drumjowane, or Johnne Greir in Lemnoche. Edinburgh, 22nd Feb. Caution for Quintin Crawford and others.

Sederunt—Rex; Cancellarius; Angus; Erroll; Mortoun; Mairshael; Oliphant; Thesaurarius; Paislay; Spynie; Urquhart; Neubottle; Culrois; Blantyre; Clericus Justiciarie; Clericus Registri; Murdocairny; Computorum Rotulator; Collector; Carmichael; Culluthy. Edinburgh, 24th Feb.

Complaint of Johnne Kirkpatrik of Dressetland, and Roger Kirkpatrik of Rig, his brother, as follows:—Johnne is charged by general letters raised by Thomas Kirkpatrik of Closburne to pay to him £5, 11s. for the said Thomas's relief of the barons' tax of £40,000, and £2, 15s. 5d, for the said Thomas's relief of the taxation of £100,000, for the said John's lands of Dressetland, Know and Shaw, and Roger is likewise charged to pay to the said Thomas £5, 11s. for his share of the said first tax, and £2, 15s. for his share of the other tax, for his lands of Rig and Auchincarne, under pain of rebellion. For their alleged disobedience they are, or are to be, denounced,—wrongfully, inasmuch as the said lands belong to them in tack for which they pay yearly mail and service to the said Thomas; "be the quhilk tak he is oblist to warrand the saidis landis to the saidis complenaris fra all impositionis, perrellis and inconvenientis quhatsumevir; and, forder, thai can nawayes be astricted to mak the said Thomas ony releiff for thair landis foirsaidis, nor yit hes he ony pouer be the letters foirsaidis to burdyn thame thairwith, seing the same letters ar extendit onlie to his subvassallis, conjunctfearis, lyvrentaris and ladyis of terce, and in sa fer as thay ar chargeit, not being vassallis to the said Thomas, the officiar usair of the said charge hes exceidit the boundis of his office; and, forder, the said Thomas hes alreddy, at his awne hand, without ony pouer or authoritie, causit his officiaris intromett with ane gude pairt of the saidis complenaris guidis and geir, fer surmonting the soumes quhairwith thai ar chargeit, quhilk he dernit within the place of Closburne quhill payment wes maid to him of the saidis sowmes, quhilk thai ar content to refer to the aithis of himselff and James Quintene, his officiar, quha tuke the said geir at his awne command." On these grounds the said letters ought to be suspended.—Kirkpatrik of Dressetland appearing for himself and his said brother, but neither Thomas nor his officer appearing, the Lords do suspend the letters. Suspension of horning against Kirkpatrick of Dressetland and his brother.

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Complaint by Williame Baillie of Murdingstoun, as follows:—Upon 13th January, Robert Inglis, tutor of Murdingstoun, accompanied by Gilbert Inglis, son of the late Gilbert Inglis in Wester Hoill, "baith bodin in feir of weir," came to the said Williame's "pleuch" in Murdingstoun, where his ploughmen, Johnne Kirkwode and James Cauldwell, "twa ageit and unhable personis, ather of thame past the age of lx yeiris," were "calling Order to denounce Robert Inglis and Gilbert Inglis.

the said pleuch for the tyme," and shamefully "invadit and persewit the saidis twa auld men, quha wer unhable to mak resistance, of thair lyveis, hurte and woundit thame in divers pairtis of thair bodyis, to the effusioun of thair blude in grite quantitlie and hasard and perrelling of thair lyveis, and hes mutilat and dismemberit the said Johnne Kirkwode of ane fingair of his left hand." Moreover, "thay maist shamefullie and barbarouslie hocheit and slew the best ox in the said pleuch, and dalie and continuallie molestis, troublis and oppressis the said complenaris tennentis and servandis."—The complainer appearing by Robert Baillie, his procurator, the said Robert and Gilbert, for not appearing, are to be denounced rebels. Acta 1589–91. Page 494.

Mr John Colvill against Mr James Wardlaw, who sues him for a sum he had become bound for in the King's service.

Complaint by Mr Johnne Colvill of Strarude, as follows:—Mr James Wardlaw, advocate, had charged the complainer to pay him within a certain time 2605 merks, "conform to ane pretendit obligatioun" alleged to have been made by the complainer, and has put him to the horn for disobedience, or means to do so. Now, the complainer did not owe Mr James "ony propir debt of his awne"; but the circumstances were these:—He had been appointed collector general of the taxation of £100,000 granted to the King by his Estates for defraying the expenses of his marriage; "and, George, Erll Marshael, being directit in commissioun to the pairtis of Denmark to that effect, and haveing necessarlie ado with instant furnissing and provisioun, and the soume foirsaid being assignit to be payit be the said Mr Johnne to him furth of the reddiest of the said taxatioun, the said Mr Johnne wes maist eirnistlie preist be his Hienes (at the instant sute of the said Erll) to giff his obligatioun of the soume foirsaid to the said Mr James Wardlaw in his favour, the said complenair being addebtit to him na uthirwayes, as said is; quhilk he did in hoip to have ressavit sa mekle of the said taxatioun, befoir the day of payment appointit in the said obligatioun, as wald have satisfeit the same. And trew it is that the haill burrowis pairt of the said taxatioun, quhilk wes the suirest payment thairof, sensyne is upliftit be his Majesteis selff, and convertit to his Hienes awne use, as alswa assignationis maid of the gritest pairt of the same taxatioun to sindrie of his Hienes nobilitie and Officiaris of Estate for outredding of certane his Majesteis necessair effearis, and to certane utheris commissionaris, as is notourlie knawne; and, as to the rest of the said taxatioun, quhilk is to be payit be the clergie and baronis, albeit all maner of diligence hes bene usit, yit the said Mr Johnne can gett na payment of the same, pairtlie be suspensionis purchest of his chargeis, quhairupoun divers decreitis ar gevin aganis him, be the new erectionis and utheris previlegeis grantit to thame be his Hienes, and uthir pairt of the same suspensionis lyis ouer as yit undiscussit, and pairtlie be dissobediens of his saidis chargeis, quhairthrow a grite noumer ar denunceit rebellis, as is knawne to the Lordis of Counsaill and Sessioun be the cathologue of thair names affixt upoun the tolbuith wallis. And the said Mr Johnne hes evir bene willing and reddy, lyke as he is yit, to giff particulair assignatioun to the said Mr James, or to the said Erll, in quhais favour the said obligatioun wes maid, of the best and reddiest pay-

Acta 1589-91. Page 495.

ment of the taxatioun foirsaid, quhairevir thay pleis to chuse, ather of the tua first termes, or of the thrid and last terme; quhilk thay refuse to accept. And, seing the said Mr Johnnis obligatioun wes maid be his Majesteis directioun for the furtherance of the said Erll to the payment of the said soume (quhilk he evir intendit to have done giff he had not bene disapointit, as is abone specifeit), gude conscience, equitie and ressoun cravis that the said Mr Johnne suld be nawise burdynnit nor troublit for payment of the soume foirsaid quhill he may gudlie be relevit be ressett of sa mekle of the said taxatioun." On these grounds, the said letters of horning should be suspended *simpliciter*.—Both parties appearing personally, the Lords find the said letters obtained by Wardlaw "to be ordourlie procedit and direct," and therefore ordain the same to be put to farther execution in all points; but, for the complainer's relief, the Lords annul all discharges granted to any person of the said taxation which was appointed to be uplifted by the said complainer for his relief of the same sum, and especially the discharges granted to Patrik, Commendator of Lundoris, David, Commendator of Dryburgh, Adam, Commendator of Cambuskenneth, Alexander Hume of Northberuick Manis, and Mr Johnne Portarfeild, parson of Air, and decern all letters of suspension and decrees given against the said Mr Johnne to have no effect hereafter.

Suspension of horning against Ker of Cessford, warden of the Middle March, for not rendering the castle of Cessford.

Complaint by Williame Ker of Cesfurde, warden of the Middle March, against Margaret Dundas, relict of Williame Ker of Ancrum, Robert Ker of Newtoun, his brother, and Andro Ker of Phairnihirst, his kinsman, who, alleging that Sir Robert Ker, son of the said William, is put to the horn for not finding surety to underlie the laws for the slaughter of the said late Williame, have obtained letters, in the names of themselves and of Sir Thomas Lyoun, treasurer, and Sir Robert Melvill of Murdocairny, treasurer-depute, charging the said Sir Robert and the keepers of the castle of Cesfurde to deliver the same to the executioner of the said letters within a certain time, under pain of treason, and, by virtue of these

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letters, have caused charge the complainer, "as haveair and keipair of the said house," to render the same, under the said pain. The letters, he pleads, are wrongfully executed, because the said house of Cesfurde belongs to him, and not to his said son, who has no right to the same and was never in possession thereof, "except ane schorte space quhenas, be ressoun of the said complenaris seiknes, he depute him to supplee his office of wardanrie, for the bettir discharge quhairof he licenced the said Sir Robert to have the use of the said house for keiping of prisonaris and malefactouris. And now, in sa fer as the said complenair is burdynnit or troublit with the misbehaviour of his said sone, it is aganis all law, custume or consuetude of this realme; and, forder, the use of the said hous is and hes bene sa necessair to the said complenair that the want thairof wilbe a grite hinder to the discharge of his office of wardanrie, seing, as is notour, that the said complenair is almaist dalie burdynnit with the ressett of prisonairis, alsweill Englishman enterit for billis as his awne subjectis, quhilkis subjectis hes bene ordinarlie preservit and keipit within

the said castell, the said complenair haveing na uthir house meit for that purpois." On these grounds, and because he has found caution that the said Robert, or any other at the horn for the said slaughter, shall not be reset within the said castle, he claims that the said letters should be suspended. —The complainer appearing by Heislop, his servant and procurator, and the treasurer and his depute and Andro Ker of Phairnyhirst appearing for themselves, and the said Andro also as procurator for the said Margaret and Robert Ker, the Lords do suspend the letters, "becaus na thing wes excepted nor allegeit affirmative be the foirsaidis personis, defendaris, to elyde the ressonis of the saidis letters." Acta 1589–91.

Order to denounce Maxwell of the Isle.

Complaint by Thomas Smith, sometime in Colmestoun and now in Suyre, as follows:—He had obtained a decree against Andro Cunynghame of Birkshaw, "for arreisting, poinding and comprising of the reddiest of his guidis and geir," be virtue of which Nicoll Newall, messenger, upon 29th November last, had seized two oxen and a mare belonging to the said Andro, and brought them to the market cross of Drumfreis at 4 o'clock in the afternoon, to be comprised according to the Act of Parliament. But, "becaus the sone wes past doun and that na lauchfull comprising could be had that nicht," the said Nicol had put the said oxen in his own stable; and, upon the following morning, as he was taking the oxen to the said market cross, Edward Maxwell of the Ile, Williame Maxwell, his servant, and their accomplices, came to the said Nicoll's house, "brak up his stable duir, and violentlie reft and awaytuke the said twa oxin, and thairby deforceit the said Nicoll in the executioun of his office."—The said Edward had been warned to answer; and now, the complainer appearing personally, Edward, for failing to appear, is to be denounced rebel. Page 497.

Edinburgh, 25th Feb. Caution for William Somerville.

Caution in 500 merks by Williame Somervile of Spitteltoun, as principal, and James Baillie of Cormelstoun, as surety for him, that he will not harm Johnne Robesoun in Ovirtoun of Cambusnethane, or Alexander Cleland, son to Johnne Cleland, there.

Holyrood-house, 26th Feb.

Sederunt—PRESENTE REGE—Cancellarius; Angus; Erroill; Mortoun; Mairshaell; Mar; Maxwell; Oliphant; Spynie; Thesaurarius; Neubottle; Culrois; Murdocairny; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Collector; Culluthy.

Order to denounce William Cunningham of Caprinton.

Complaint by Helene Cunynghame, relict of Sir Williame Stewart, as follows:—George Craufurde of Brokloch, having been put to the horn at her instance for not appearing before the Lords of Council and Session to bear witness in an action pursued by her against Williame Cunynghame of Caprintoun, "for impreving of ane letter of tak allegeit maid be hir to the said umquhile Sir Williame," has, "maist proudlie and contempnandlie," remained as yet unrelaxed; and, though the said Williame, upon whose lands he dwells, is obliged by the general band to produce him,

Acta 1589–91. Page 498. yet he refuses to do so, unless compelled.—The complainer appearing personally, the said Sir Williame, for neither appearing nor having entered the said George, as he had been charged, is to be denounced rebel.

Order to denounce William Napier and John Baptie.

Complaint by Johnne Bellenden in Leith, as follows:—The two part lands of Milflatt, with the houses of the same, lying within the barony of Restalrig and sheriffdom of Edinburgh principal, belong to him heritably, and "according to his infeftment thairof" he has obtained a decree before the sheriff principal of Edinburgh against Williame Naper in Leith, and others his subtenants, ordaining them to remove furth of the said lands and houses. According to his said infeftment and the said decree, he has been put in actual possession of the lands and houses by the sheriff of Edinburgh. Nevertheless, in September last, the said Naper, accompanied by Robert (? Johnne) Baptie in Leith and others, to the number of 16 persons, "come and tirvit the said complenaris houssis, and tuke of the rigging and thak thairof, cuttit his ledderis sett thairto for repairing of the saidis houssis, and at the same tyme hurte and woundit Williame Bannatyne, his bruthir, with swerdis, in the richt arme, to the effusioun of his blude in grite quantitie." Further, "still continuand in thair bangstrie sa neir the place of justice, and seikand, be all meanis possible, the said complenaris lyffe," the said persons shortly afterwards in the same month, accompanied with convocation of the lieges to the number of 80 persons, all armed, "sett upoun the said complenair quhair he wes in maist quiet and sobir maner on the shoir of Leith," and there "cruellie invadit him for his slauchter," wounded him in his left hand, "and with thair lance stalffis and stingis gave him divers bauch, blaa and bludie straikis in perrell of his lyffe, and
Page 499. hes mutilat and maid him impotent of the mid fingair of his said left hand." Still farther, "perseveirand in thair formair oppressioun," they had, upon 23rd February instant, on information that "he had causit teill and labour ane part of the saidis twa part landis," come to the said lands, "and thair teillit the same ouer agane, and hes sawne ane grite part thairof".—The complainer appearing personally, the said Williame and Robert, for not appearing, are to be denounced rebels.

Caution for Mr John Ross and David Robison.

Caution by Johnne Lindsay of Dunrod for Mr Johnne Ros, town clerk of Glasgu, and David Robiesoun, his servant, that they will not harm Archibald Hiegait, Mathew Hereot, Williame Hereot, Johnne Bar, burgesses of Glasgu, Robert Stirling of Baquharrage, or Williame, Mr George, and Stirlingis, his brothers, under the pains in the letters against them.

Caution for Thomas Veitch.

Caution in 500 merks by Robert Veche in Dalkeith for Thomas Veche in Eisthoussis, that he will not harm Thomas Simsoun in Eisthoussis.

Case of Edmund Arnold, Englishman, resumed and again continued.

Anent the term assigned by the Lords of Secret Council to Edmond Arnold, in Hippiswiche, for himself and as procurator for Williame Wesselbie in Wellis, and to Mr David M^{c}Kgill, the King's advocate, for his Majesty's interest, "for preving of the summondis rased at thair instance" against Niniane Hill in Monrois, Thomas Shewane in Brechin, Alexander Tailliour, Jonnett Monypenny, his mother, Johnne

Mekesoun in Latoun, Williame Esplene in Ley, David Beg in Kynnell, Acta 1589-91.
Henry Beny in Besak, Johnne Colme in Persfeild, James Lamb in Wester
Brakie, Johnne Shewane in Brechin, Williame Peiris there, Thomas Smith
there, Marjorie Duncane there, David Croill there, David Lamb, flesher
there, David Guthrie, cordiner there, Johnne Wedcok in Sanctandrois,
James Thomesoun in Kinghorne, Johnne Lammert, flesher in Auchtirtule, Page 500.
David Keir there, Johnne Reid in Kinghorne, Thomas Patersoun there,
Florence Patersoun there, Andro Broun, clerk, there, Johnne Lokhart there,
Johnne Cuninghame in Leith, James Fergus *alias* King of Culrois, David
M^cKilroy there, Robert Bennett there, and Williame Bad in Torriburne,
touching the spoliation from Arnold and Wesselbie of certain victual out
of their ship "Barnabie," with the cables, tows, ornaments and other goods
belonging to the said ship mentioned in the said summons (*ante*, p. 558).
—The pursuers appear by George Nicolsoun, their procurator, and the said
Thomas Shewane, Alexander Tailliour, Johnne M^cKiesoun, Williame
Esplene, David Beg, Williame Peiris, Thomas Smith, Marjorie Duncane,
David Croill, David Lamb, David Guthrie, James Thomesoun, Johnne
Lammert, Johnne Lokhart, James Fergus, David M^cIlroy, and Williame Bad,
appear personally; but, the remainder of the persons above written having
failed to appear, the Lords continue the said matter till 31st March next,
and, in the meantime, ordain the following persons, cited before as witnesses
but who did not appear, to be again summoned, viz., Robert Tailliour,
mariner in Monrois, Robert Gibsoun there, James Wylie there, Alexander
Goway in Ferrydene, Johnne Broun in Brechin, Williame Broun, younger
there, Alexander Liddell in Dalkeith, David Segait in Brechin, David
Rany in Monrois, Williame Hunter in Kynnaber-miln, Henry Shephird
in Monrois, Williame Cletoun there, James Litiljohnne there, James Skay,
miller there, Andro Broun in Kinghorne, and David Adam in Monrois;
and likewise order letters to be directed "to summond the utheris
personis undirwrittin not summoned of befoir, thay ar to say, etc., [names
not given] to compeir personalie befoir the saidis Lordis" upon the last
day of March next, "to beir leill and suithfast witnessing in sa fer as
thai knaw or salbe speirit at thame in the said mater, undir the pane
of rebellioun," and also to warn the said defenders to appear the said day
to "heir and see the saidis witnessis ressavit, sworne and admittit to
depone in the said mater."

Edinburgh, 27th Feb. Caution for George Nairne.

Caution in £500 by Johnne Murray of Touchadam for George Narne, "litstair," burgess of Striviling, that he will not harm Robert Buquhannane, burgess of the same.

Edinburgh, 1st March. Band for John Ogilvy of Inshewan and his sons.

Registration, by Mr Henry Balfour, advocate, as procurator for the sureties, of a band of caution by Sir Walter Ogilvy of Findlettir, Johnne Ogilvy of Craig (Craigis), and Patrik Ogilvy of Inchemartine, for Johnne Ogilvy of Inchewne in 1000 merks, and for Alexander, Andro, and Patrik, Page 501. his sons, in 500 merks each, that they will not harm Thomas Lyell of

Acta 1589–91. Murthill, or Johnne Lyell, his brother. Subscribed at Edinburgh on 23rd February.

Edinburgh, 2nd March. Caution for Cunningham of Caprinton.

Caution in £200 by Alexander Cunynghame of Craganis for Williame Cunynghame of Caprintoun, that he shall enter George Craufurde in Brokloch before the Lords of Council and Session upon 12th February instant, (?March), to bear witness in the action of improbation pursued against him by Helene Cunynghame, relict of Sir Williame Stewart (*ante*, p. 586).

Band for certain persons of Dumfries.

Registration, by Johnne Haliday, advocate, as procurator for the surety, of a band of caution by Williame, Lord Hereis, for Harbert Raning, Johnne Mairsheall, Mathew Diksoun, Robert M°Kynnell, James Coipland, Harbart Maxwell, Johnne Rammeis, Williame Davidsoun, Johnne Pattirsoun, Thomas Batie, younger, Johnne Corsane in Kirkgait, Andro Cunynghame, Harbert Cunynghame, his son, George Wellis, Amer Shortrig, Bessie M°Kynnell, widow, Jonnett Kirkpatrik, widow, Johnne M°Kwir, elder, Johnne Batie, Andro Hocheane, Adam Walker, elder, James Gluvair, Williame Gledstanis, Cristell Cunynghame, Cuthbert Cunynghame, Johnne Maxwell at Fleshestokis, and Robert Edzair, all burgesses of Drumfreis, in 300 merks each, that they will not harm Johnne Maxwell
Page 502. of Couheith. Subscribed at Drumfreis, 2nd March, before Williame Maxwell, brother natural of Johnne Maxwell in Logane, Petir Turnour, notary, and Robert Cunynghame.

Edinburgh, 4th March. Discharge of licences for exporting victual.

By reason of the "inoportune and untymous sutes" made to his Highness and some of his Council, the King had granted certain licences for exporting victual and other forbidden goods, "althogh the same be expres aganis the lawis and Actis of Parliament, and to the grite hurte of the commounwele, and cheiflie at this present, quhenas all sortis of victuallis, upoun the brute of transporting of sa grite a quantitie as is expressit in the saidis licenceis, ar rissin to sic a derth, and the same derth lyklie mair and mair to increse, that giff tymous remeid be not providit a maist feirfull miserie and calamitie appeiris to follow, to the utter wrak and povirtie with tyme of his Majesteis gude subjectis, and cheiflie the handy labouraris, quha scairslie, be thair industry and labouris, can have to sustene and furneis thame in clething and utheris thair necessairis." Therefore, the King, with advice of his Council, annuls all the said licences, as also all letters and factories granted thereupon, ordaining them to have no effect in time coming. Proclamation to be made accordingly, and the lieges to be forbidden to export the said victual or forbidden goods by virtue of the said licences and factories, or under colour of supplying the King's house or the houses of noblemen, or other pretence, on pain of confiscation of the victual and ship in which the same shall be transported,—the "ane halff to the apprehendaris and the uthir halff to his Majesteis awne use." Provosts and bailies of burghs are to "caus diligent serche and inquisitioun be maid of the personis quhilkis sall ladin or preis to ladyn and transporte ony of the saidis victuallis and

foirbodin guidis at ony parte or port" within their jurisdiction, applying one half of the victual and goods to their own use, and delivering the other to the Treasurer in the King's name. Moreover, the "laidynnaris and transportaris" of the said goods shall be committed to ward and retained therein till the King's will towards them be declared. Acta 1589–91.

Caution for Mr James Fotheringham and others.

Caution by David, Earl of Craufurde, for Mr James, Williame and Alexander Fotheringhames, brothers of Thomas Fotheringhame of Poury, in 500 merks each, that the said Thomas, with Thomas, his eldest son, Cristell Moncur, Robert Broun, David Durwart, Thomas Mauchane, servitor to the Laird of Poury, Alexander and Andro Baldaveis in Haltoun of Innerarratie, Johnne Smith and Williame Kynnynmonth, Johnne Ogilvy of Innerquharratie, David Ogilvy, his brother, Johnne Irnis, Thomas Sumsoun and Archibald Ogilvy, his servants, shall be harmless of the said Fotheringhames.

Caution for Livingstone of Haining and others.

Caution by Thomas Levingstoun, elder of Haning, as principal, and Robert Levingstoun of West Quarter, as surety for him, in £1000, and by the said Thomas and Robert for Thomas Levingstoun, younger of Haning, in 1000 merks, and for Henry Craufurde in Manuel-mylne in 500 merks, that they will not harm David Grentoun in Compstoun, or Robert and Thomas Grentonis, his sons. Page 503.

Edinburgh, 5th March.

Sederunt—Cancellarius; Hammiltoun; Angus; Mar; Glencairne; Montrois; Thesaurarius; Neubottle; Coldenknowis; Murdocairny; Blantyre; Clericus Justiciarie; Computorum Rotulator; Collector.

Sir Robert, Melville, treasurer-depute, against William Gregory.

Complaint by Sir Robert Melvill of Murdocairny, treasurer-depute, and David Kay in Eist Ferry, and Marione Puty, his spouse, for their interest, as follows:—In a fenced court of the town and lands of the South Ferrie of Portincraig, held by the said Sir Robert, as lord and "fewfermorair" of the said lands, upon the 16th September last, Williame Gregorie in the said Ferry and his spouse were ordained to find caution and "lawsouirtie" that the said David and Marione should be harmless of them thereafter, under the penalty of £100, "or than to remane still in warde within his awne house, ay and quhill he had fund the said cautioun." Nevertheless, the said Williame "hes not onlie contempnandlie refuisit to find the said lawsouirtie, bot continuallie sensyne invadis, persewis and minassis the saidis David Kay, his said spous, and utheris his nichtbouris, be way of deid."—Sir Robert and Gregorie appearing personally, the latter alleges that he had offered sundry responsible persons to be cautioners for him before coming out of his house, and that the clerk of the said court had refused to receive them; "the expres contrair quhairof being affermeit be the said Sir Robert," the Lords ordain Sir Robert to call the said Williame into his own court for the offence foresaid, and to "proceid and minister justice conform to the previlege grantit to him be his infeftment, lawis and consuetude of this realme." Page 504.

King's letters had been issued, purporting that, "forsamekle as

Acta 1589–91. the Kingis Majestie, his Nobilitie, Counsaill, and Esteatis presentlie conveneit undirstanding the grite contempt and inobediens enterit and contineuing in all pairtis of this realme throw the multitude of personis contempnandlie lying at the horne, alsweill for criminale as civile caussis," but "nawayes willing that sic as hes satisfeit pairteis and obtenit thameselffis relaxt in dew tyme befoir thair esheitis fell salbe troublit or sustene skaith, althogh thair names be standing in registeris and denunceit" (see *ante*, p. 490), charge had been given to Oliver Makesoun, Williame Fiddie, Alexander Glais, Williame Ros, Thomas Andirsoun, Helene Fleming, relict of Blais Colt, Gilbert Raa, Robert Levingstoun in Glookburne, Robert Richie, Eufame Tullie, relict of James Sym, James Bene, Issobell Pyper, relict of Johnne Peblis, Margaret Pyper, relict of James Moncreiff, and Andro Snell, to appear before the King and Council and answer "for thair contempt and wilfull remaning at the proces of horne" for not paying the annuals, feu mails, fermes and duties owing by them to the "maisteris of the Hospitalitie" of the burgh of Perth, under pain of rebellion. None of the said persons now appearing, the Lords ordain them to be denounced rebels, and their goods to be intromitted with immediately thereafter.

Order to denounce Oliver Mackison and others.

The King and Council, understanding that [John] Boiswell of Auchinlek "not onlie hes oft and divers tymes consultit with witcheis, bot alswa be himselff practized witchecraft, sorcerie, inchantment and uthiris divilishe practizeis, to the dishonnour of God, sklender of his worde, and grite contempt of his Hienes, his authoritie and lawis," had ordained him to appear before them, "to have answerit to sic thingis as suld have bene inquirit in this behalff." Being now called but not appearing, the order is to denounce him rebel.[1]

To denounce Boswell of Auchinleck for not answering a charge of witchcraft.

[1] Notices of witchcraft have been far fewer in the Privy Council Register hitherto than might have been expected from the known prevalence of the "crime" in old Scottish society, as proved by legal enactments and by the records of criminal trials. The most distinct reference to the subject in the Register prior to the present is perhaps that at p. 393, in connection with the case of Catherine Ross, Lady Foulis, and her step-son, Mr Hector Munro of Foulis. For a sketch of the history of that complex case of Highland family-dissension, with witchcraft, poisoning or attempted poisoning, and other horrors, running through it for fourteen years, or from 1576 to 1590, and for the names of the Highland wizards and witches with whom the two principals were alleged to have trafficked, — William M'Gillivray, Agnes Roy, Marion M'Kean M'Alister, Christian Ross Malcomson, John M'Nillan, Marion M'Ingarroch, &c.,—see Chambers's *Domestic Annals of Scotland*, i. 202–206. Whether or not from the publicity given to that case by the concluding trials in it in 1589 and 1590, there seems to have been an unusual epidemic of witchcraft in the Scottish Lowlands in this last year and through the next. "Most of this winter," says Spotswood, speaking of the winter of 1590–91, "was spent in the discovery and examination of witches and sorcerers." Geile Duncan of Tranent, John Fian or Cunningham, schoolmaster of Prestonpans, Agnes Sampson of Keith, Barbara Napier of Edinburgh, Euphame M'Calyeane, Richard Graham,—such were some of the more prominent out of scores of persons accused of nightly meetings with the devil and others forms of black art (see Spotswood, p. 383, Calderwood, v. 115, 116, and Chambers, i. 210–218). Some of the accused were of considerable social rank, not confining their sorceries to private matters, but extending them to public affairs and forecasts of the fates of the King, Queen, and other great personages; and indeed some of the witches claimed to have raised the storms which had detained the King's bride in Norway and kept her so long out of Scotland. Young King James, at all events, took a special interest in the trials and examinations of this class of his criminal subjects, and was already

William Crombie and others against the bailies of Dalkeith.

Complaint by Williame Crumby in Dalkeith, James Veche there, and Mathew Baillie there, that Robert Porteous, and James Douglas, younger of Halthoundaill, bailies of the regality of Dalkeith, had, without cause, imprisoned them in the tolbooth of Dalkeith on the 24th of February last, and will not release them.—The complainers appearing by Andro Hume, messenger, their procurator, the defenders, neither appearing nor yet having set the complainers at liberty as charged, are ordained, "yit as of befoir," to set them free within six hours after being charged, under pain of rebellion. Acta 1589-1. Page 505.

Caution for Ker of Cessford.

Caution in £1000 by Andro Ker of Lintoun and Nicoll Carnecors of Calfhill for Williame Ker of Cesfurde, warden of the Middle March, that the fortalice of Cesfurde shall be forthcoming to the King when required.

Edinburgh, 6th March. Caution for Andrew Lauder and his sons.

Caution by Williame Carnecors of Cumislie for Andro Lauder in Windperk in 500 merks, and for Charles, Richard, and James Lauderis, his sons, in 300 merks each, that they will not harm Robert Lauder of that Ilk, Gawine Brisoun, miller at Lauder-myln, Johnne Lyle, "multerair" at the said mill, James Hair, servant to the said Laird, Thomas Johnnestoun in Wodheid, or Thomas Moffett there.

Caution for James Pringle.

Caution by George Achesoun, merchant, burgess of Edinburgh, for James Hoppringle of Smalholme, that he shall pay to Alexander Young, messenger, collector-depute within Roxburghshire of the barons' tax of £40,000, the sum of £20 for his part of the third term's payment of the said tax for his lands of Smalholme, in case it shall be found that he ought. The letters executed against him are accordingly suspended to 31st March; and the said Alexander, and Robert Abircrumby, saddler, are to be warned to the 24th instant.

Edinburgh, 8th March. Caution for William Gregory.

Caution in £200 by Williame Luvell of Balumbie for Williame Gregorie in the South Ferry of Portincraig, that David Kay in Eist Ferry, and Marione Puty, his spouse, shall be harmless of him. Page 506.

Caution for Richard Burne.

Caution by Richard Burne in Hill, as principal, and Sir Andro Hamiltoun of Goslintoun, as surety for him, in 500 merks, that David Grentoun in Compstoun, and Robert and Thomas, his sons, shall be harmless of him.

Caution for Crawford of Beircrofts and his son.

Caution to the same effect by Williame Craufurde of Beircroftis, as principal, and David Craufurde of Blakcraig, and Alexander Kincaid, vicar of Wellis in Zetland, as sureties for him, in £500, and by the said principal and sureties for Johnne Craufurde, son of the said Williame, in 500 merks.

Caution for Thomas Ogilvy and others.

Caution by Williame Lovell, fiar of Balumbie, for Thomas Ogilvy, eldest son of Johnne Ogilvy of Inchewne, in 500 merks, and by the said Johnne

ambitious of being a prime authority in the science of witchcraft. It is rather curious that, with wizards and witches and their employers so plentiful in the Lowlands about this date, more has not been heard of them in the Register, and it is still more curious that the one who emerges in the present entry is not one of the most notorious in tradition, but a Boswell of Auchinleck, apparently the ancestor of Dr Johnson's biographer.

Acta 1589–91. for Johnne Pennell in Blakburneheid and Gilbert Bischop in Burnesyde, in 200 merks each, that they will not harm Thomas Lyell of Murthill, or Johnne Lyell, his brother.

Caution in £1000 by George Buquhannane of that Ilk and Williame Stewart of Caverstoun for Thomas Buquhannane of Drummakill, that Allane M°caula of Ardincaple and Allane M°caula of Durlyne shall be harmless of him, and further that he shall not reset or intercommune with Johnne Buquhannan in Ballagan, Thomas Buquhannane and Adam Buquhannane, his sons, James Buquhannane, son of Thomas Buquhannane in Blairlosk, Thomas Buquhannane in Balloch, George Buquhannane, his son, Walter Buquhannane, brother of the said Thomas, Duncane Buquhannane, son of the late Patrik Buquhannane in Auchmair, Johnne Buquhannane, son of the Laird of Lany, and Walter Buquhannan in Drymmen, who are at the horn for the slaughter of Walter M°caula, son of the said Allane M°caula in Durlyne (*ante*, p. 535). Johnne Buquhannane, notary public, subscribes for the said Thomas Buquhannane of Drummakill, who cannot write. Caution for Buchanan of Drumakill.

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Caution by George Buquhannane of that Ilk, as principal, and James Seytoun of Tullibody and Johnne Grahame of Knokdoleane, as sureties for him, in 5000 merks, that he and those for whom he is "debtbound" by the general band shall be answerable to justice; that Allane M°caula of Ardincaple and Allane M°caula in Durlie shall be harmless of him, under a penalty of £2000; and that he shall not reset or intercommune with the foresaid rebels who are at the horn for the slaughter of the said Walter M°caula.—(Deleted by a warrant subscribed by the King and Sir Robert Melvile, treasurer, at Haliruidhous, 31st October 1592.) Caution for Buchanan of that Ilk.

Registration, by Mr Richard Spens, advocate, as procurator for the parties, of a band of caution in £500 by Robert Hammiltoun of Likprevik for James Lyoun, burgess of Glasgu, that he will not harm Williame Hereot, burgess of the same. Subscribed at Glasgu, 5th March, before Williame Wallace, Thomas Pittigrew, Blais Barrie, burgesses of Glasgu, and Mr Henry Gibsoun, notary. Band for James Lyon.

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Caution in 300 merks by Walter Robiesoun, portioner of Auchtirmuchtie, for Willame Cuke *alias* Crystie, burgess of Kinghorne, that he will not harm Williame Cunynghame, burgess there,—John Eistoun, notary public, subscribing for Walter. Edinburgh, 9th March. Caution for William Cook.

Caution in 500 merks by Williame Craufurde of Beircroftis for Alexander Levingstoun, son of Thomas Levingstoun, younger of Haning, that he will not harm David Grentoun in Compstoun, or his sons, Robert and Thomas. Caution for Alexander Livingston.

Caution by James Levingstoun, fiar of Jerveswode, as principal, and Alexander Cunynghame of Craganis, as surety for him, in £500, that Hew Somervile, son of the late Robert Somervile, father-brother of Hew, Lord Somervile, and James Heidis, his tenant of his lands of Newbigging, shall be harmless of the said James. Caution for Livingston, younger of Jerviswood.

Edinburgh, 10th March. James Weir of Blackwood against John Weir, bailie of Lanark.

Complaint by James Weir of Blaikwode, as follows:—Upon 20th March 1588, Gabriel Weir of Clerkistoun had been put to the horn for not paying to the complainer £100 or else infefting him in an annualrent of £10 yearly furth of the lands of Clerkistoun; and, because Gabriel had remained, as he yet does, at the horn, the complainer had obtained letters of caption against him; "quhilkis being execute aganis Johnne, Lord Hammiltoun, shereff of Lanerk," the said Lord had apprehended the said Gabriel and committed him to ward in the tolbooth of Lanerk. Although the bailies of that burgh had been charged to keep him "in strait firmance and captivitie" till he had satisfied the complainer, yet Johnne Weir, bailie there, has, at his own hand, released the said Gabriel before he has made payment or obtained relaxation; and the complainer, being thus "frustrat and disapointit," pleads that the said bailie ought to be made answerable to him for the said sum.—Both parties appearing personally, and the bailie having affirmed that the said Gabriel is at present in ward within the said tolbooth, and the complainer having replied that, however that might be, the said bailie had let him out after he had been committed,—"lyke as sensyne he hes maid alienatioun and dispositioun of his landis and guidis altogidder in defraude of the said James,"—the Lords ordain the said bailie and other bailies to retain the said Gabriel in the tolbooth at his own expenses till he shall obtain orderly relaxation from the horn, under pain of payment to the complainer of the said debt "of thair awne propir guidis and geir." Acta 1589-91. Page 509.

Suspension of horning against Marjory Laing and others.

Williame Forbes of Tolquhone, appearing as procurator for Marjorie Laing, Robert Chalmer in Grindoun, her spouse, for his interest, George Laing, burgess of Abirdene, and Mr Thomas Gairdin in Auld Abirdene, gives in a copy of the letters raised at the instance of Cristeane Forbes, daughter of the said Marjorie Layng, charging the said persons, under pain of rebellion, to liberate Cristeane from a house where she was detained, or else to bring her before the Council with a view to her liberation. It is alleged by the procurator that the said Mr Thomas Gairdin had obeyed the letters by releasing the said Cristeane furth of his house in Auld Abirdene upon 3rd instant; and, further, that she, "being upoun the hie gait within the said toun," publicly declared, in presence of David, Bishop of Abirdene, Mr Walter Gordoun, sheriff-depute of Abirdene, George Frasair, sometime servitor to the Laird of Muchall, and sundry others, "that sho wes nawayes detenit captive be the said Mr Thomas nor na utheris in his name, nather knew sho of the rasing of the saidis letters in hir name, [nor] gaif sho command thairto, nor yit to Mr Gilbert Buchane, messinger, to putt the same in executioun aganis the personis foirsaidis," and that she "renunceit hir instance thairof *simpliciter*,"—all which appears from an instrument subscribed by Arthour Watt and Alexander Litstair, notaries, and dated 3rd March; in respect whereof the said procurator protests that the said letters should be suspended.—The Lords, accordingly, do suspend the letters. Page 510.

Complaint by Mr Duncane Forbes of Forneidlie, as follows:—Johnne

Acta 1589–91. Gordoun of Knokespak, Williame Horrie of Pitfeychie, George Gordoun in Inzeane, Patrik Gordoun in Inver, James Gordoun in Craigmylne, Geordie Tailliour, Williame Mar, Williame Gordoun, bastard son of Williame Gordoun of Pitdenny, with their accomplices, "all bodin in feir of weir," upon 20th January last, came to his lands of Forneidlie, and to the houses of Duncane Patersoun and Henry Cushny, his tenants there, and not only "violentlie brak up the durris of the houssis thairof," and shamefully assaulted them and their wives, but also "in maist barbarous and eithnik maner tuke the saidis tennentis young bairnis lyand in thair creddillis," put them in the fire, "and had not faillit to have brint thame to the deid, wer not, be the providence of God, they wer preservit." Further, they had taken away with them 16 drawing oxen, belonging to the complainer and his said tenants, to the place of Pitfeychie, where they have remained since: "furth of the quhilk house thay dalie cum to the said Mr Duncanis saidis landis, revis, intromettis with and awaytakis to the same place his haill bestiall and guidis, upliftis his mailles and fermes, shoiring his tennentis to ansuer thame thairof, undir the pane of deid"; so that the lands are laid waste and the tenants "ar putt to beg thair meit." —The accused, with the exception of George and Patrik Gordoun, having been warned to answer and not appearing, while Mr Duncane appears personally, the Lords order the defaulters to be denounced rebels.

To denounce Gordon of Knockespock and others for not answering a complaint of Forbes of Fornedlie.

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Caution by Williame Meldrum of Moncoffer for George Gordoun in Inyeane and Patrik Gordoun in Inver, in 500 merks each, that they will not harm Mr Duncane Forbes of Forneidlie, or his tenants and servants.

Caution for George and Patrick Gordon.

Edinburgh, 11th March.

Caution by Robert Lauder of that Ilk, as principal, and Thomas M°Douell of M°cairstoun, as surety for him, in 1000 merks, that Andro Lauder in Perk, Charlis, Archibald, and James Lauderis, his sons, Brysie Mekle in Lauder, Andro Mekle, his son, there, Johnne Robiesoun there, Thomas Gotterstoun, miller at the mill of Lauder, George Huntroddis, Cuthbert Donnaldsoun, Archibald Lauder, Thomas Moffett in Newbigging, Alexander Allane there, and Williame Frank in Lauder, tenants and servants to the said Andro Lauder, shall be harmless of the said principal.

Caution for Lauder of that Ilk.

Edinburgh, 12th March.

Caution to the same effect by Robert Lauder of that Ilk for Johnne Lyle, his servant, Gawin Brysoun, miller at the corn mill of Lauder, Thomas Wode, miller at the "walkmylne" of Lauder, Thomas Baty in Barnis, James Wode there, and Archibald Miller there, in 100 merks each.

Caution for John Lyle and others.

Caution in 1000 merks by Williame Leirmonth of the Hill for Robert Hume of the Heuch, that Thomas Baillie in Spott and Mr James M°Cartany, "doctour in medicine, his maister," shall be harmless of the said Robert.

Caution for Hume of the Heuch.

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Edinburgh, 13th March.

Caution by Johnne, Earl of Mortoun, for Johnne Maxwell of Conheith in 1000 merks, for Thomas Maxwell, younger of Keltoun, in 500 merks, and for Harbert M°Kie in Troqueir, Andro Maxwell, skinner, George Rig,

Caution for John Maxwell

of Conheath and others.

Archibald M^cBrair, Alexander Fergussoun, Robert Murdoch, tailor, Johnne Frasair, Robert Forsyith, and David Smith, indwellers of Drumfreis, in 300 merks each, that Harbert Raning, Johnne Mairshael, Mathew Diksoun, Robert M^cKrynnell, James Coupland, Harbert Maxwell, Johnne Rammeris, Williame Davidsoun, Johnne Patersoun, Thomas Batie, elder, Thomas Batie, younger, George Wellis, Homer Shortrig, Johnne M^cNir, elder, Johnne Batie, Andro Hocheane, Adam Walker, James Gluvar, Williame Gledstanis, Johnne Maxwell at Fleshestokur, Robert Edzair, Thomas Haning, Harbert Birkmyre, Johnne Bryse, Robert Heislop, Johnne Johnnestoun, potter, Johnne Roule, Robert Thomesoun, Andro Morisoun, and Johnne Annand, burgesses and inhabitants of Drumfreis, shall be harmless of the said persons. Acta 1589–91.

Caution for Archibald Hiegate.

Caution in 500 merks by Johnne Grahame of Knokdoleane for Archibald Hiegait, son of Williame Hiegait, burgess of Glasgu, that he will not harm James Lyoun, Mr Johnne Ros, or Mathew Colhoun, burgesses of Glasgu.

Caution for Hume of Ayton.

Caution in £1000 by James Douglas of Torthorwalt for Patrik Hume of Aytoun, that he will not harm Archibald Auchinlek of Cumlege.

Caution anent lead ore shipped.

Caution by Thomas Patersoun, burgess of Edinburgh, that 14 barrels of lead ore shipped in Thomas Bellenden's ship, and 14 barrels of lead ore shipped in Henry Heckley's ship, shall be furthcoming to all having interest in the same.

Edinburgh, 15th March. Ordinance anent the prices for lodging and board of those repairing to the King's Court.

The King and Council, understanding the "grite extorsioun usit upoun the houshald servandis of his Hienes, and of the Quene, his derrest bedfellow, and of all noblemen and uthiris his Hienes liegis repairing to his Hienes courte and placeis of his residens, in taking for thair ordinary and beddis sic unressounable priceis, without ony mesure or discretioun, as ar nocht sufferable in ony commounwele," charge the provosts and bailies of Edinburgh, the Cannogait, Dalkeith, Lynlythgu, Striviling, Dunfermling, Falkland, and all other places where the King and Queen shall repair, "that, be directioun of thair maisteris of houshald being in quarter for the tyme, thay see the domestique and houshald servandis weill intertenyit of meit, drink, and ludgeing, at thair ressounable expenssis, to be sett doun be the saidis maisteris of houshald within xxiiii houris eftir thair Hienes resorting to ilkane of the townis and placeis abonewrittin: commanding that sic as keipis table within his Hienes house, sa lang as thai sal happin to mak residence thair, pay nichtlie for thair beddis xii d. onlie, and sic as sal have thair intertenyment in the saidis townis, thay payand for meit and drink, to pay for thair bedding na maner of way; and that thir presentis be notifeit to his Hienes furriour at thair Majesteis resorting to quhatsumevir the saidis townis and placeis foirsaidis,"—all under the pain of rebellion. All hostlers and persons accustomed to "ludge men and horssis" are to observe the order that shall be given to them by the masters of household and proclaimed by the magistrates of the said towns, under pain of warding and of being punished as causers of dearth. Page 513.

Acta 1589–91.

As, notwithstanding the late proclamation forbidding the use of fire arms (*ante*, p. 573), many of the lieges still "beiris and wearis daggis, pistollettis, and utheris ingynis of fyre werk in all publict pairtis and placeis of this realme," sometimes repairing therewith to the King's own presence, full power and commission is given to all the lieges to apprehend all persons, of whatever degree, who shall bear or use any of the said arms, to commit their persons to ward in any of the King's castles or houses or in the tolbooth of Edinburgh, and to confiscate and dispone for their own use the dags and pistolets so seized. Proclamation hereof is to be made at the market crosses of the head burghs; and the captains and keepers of the King's castles and houses, and the provosts and bailies of burghs, and "thair javelouris," are to receive into custody the contraveners of the said proclamation whenever presented to them, and to retain them in the same castles and tolbooths till they are freed by his Majesty.

Edinburgh, 16th March. New Act against the wearing of fire-arms.

The King and Council, "for the bettir observatioun of his Hienes peax, quietnes and gude reule, in the north pairtis of this realme, lyklie to be disquieted be preparatioun of forceis, convocatioun of his Hienes liegis in armes, incursionis and persute be way of deid, intendit, as his Majestie is surelie informeit, be the personis undirwrittin" within each other's bounds, ordain officers to charge George, Earl of Huntlie, not to pass bewest the Water of Spay, James, Earl of Murray not to cross be-east the Water of Findhorne, and Johnne, Earl of Athoill, not to repair benorth the Skarkeith, till they have his Majesty's licence, nor yet to invade or pursue each other in any way, under pain of rebellion.[1]

Charge to the Earls of Huntly, Murray, and Atholl.

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George, Earl of Huntlie, and James, Earl of Murray, having been ordained to find sufficient sureties to observe the King's peace, and the former having returned his band subscribed by Walter Ogilivy of Findlettir and Johnne Leslie of Buquhane (Balquhane), the King and Council, though satisfied with the said Walter, have thought meet that another be appointed as his co-surety instead of the said Johnne. Also, the band for the Earl of Murray having already been subscribed by Johnne Campbell of Caddell, the said Earl is required to cause Dunbar of Tarbett or some other responsible baron or landed man to become co-surety for him with the said Johnne Campbell. To this effect, charge is to be given the said Earls to repair to Edinburgh and subscribe the said bands, made in manner foresaid, within ten days after the charge, under pain of rebellion.

Charge to the Earls of Huntly and Murray.

A "requeist and petitioun" having been made to the King, sitting in his Privy Council, by Robert Bowis, esquire, resident ambassador for the Queen of England, in her name, for the "apprehensioun of ane Irishman, hir borne subject, namyt Ororig, tratour and rebell unto his said Soverane, and laitlie fled oute of Irland, and cumand and ressett in this realme, being a papist and adversair to the trew religioun professit in baith the realmes," his Majesty, with advice of his Council, "eftir dew consideratioun," ordains the said Irishman to be apprehended and delivered to the said Queen,

Order for apprehending an Irishman and delivering him to the Queen of England.

[1] For the feud between Huntly and Murray, and Atholl's concern in it, see footnote, *ante*, p. 570.

according to the treaties and leagues between the two kingdoms, "not doubtand bot his said darrest suster will performe the lyke unto his Hienes quhensoevir ony his tratouris or rebellis sal happin to be ressett in ony hir dominionis."[1] Acta 1589–91.

Caution for Mr Gilbert Moncrieff.

Caution in 1000 merks by Alexander Stewart of Brighous for Mr Gilbert Moncreiff of Myresyde, that he will not harm Mr James Hering, provost of Methven.

Edinburgh, 18th March. Protest for Archibald Douglas in the matter of a stock of Bibles that ought to have been delivered to him.

Complaint by Archibald Douglas, messenger, in Auld Abirdene, as follows:—He having raised letters charging James Arbuthnott of Lentushe, David Guthrie of Kincaldrum, Williame Guthrie of Halkertoun, and Williame Rynd of Kers, as cautioners for the late Alexander Arbuthnott and Thomas Bassinden, printers, to deliver to him a certain number of Bibles "bundin blak, and claspitt," or else the sum of money advanced by him therefor (see vol. ii. pp. 544–546), the said cautioners had obtained suspension of the said letters "to ane certane day of lang tyme bigane"; which, however, they "have sufferrit to ly ouer uncallit sensyne."—The complainer appearing by James Harvie, his procurator, but the said cautioners making no appearance, the said procurator protests, in respect of their absence, that the letters obtained by the said Archibald against them shall be put to farther execution, notwithstanding the said suspension; and the Lords admit the protest and ordain accordingly. Page 515.

Edinburgh, 20th March. Caution for James Mure.

Caution in £500 by James Bellenden of Kilconchair for James Mure, son of Williame Mure in Neutoun, that he will not harm Alexander Mure of Skemure.

Caution for Walter Macaulay.

Caution by Bartilmo M^{c}caula of Ardoch for Walter M^{c}caula, his son, that Williame Buquhannane in Buturrich, Johnne Buquhannane in Dunbartene, Walter Buquhannane there, James Buquhannane in Fynneik, Johnne Buquhannane in Auchmadin, Walter Buquhannane in Bollatt, Mungo Buquhannane in Tulliquhewne, Johnne Buquhannane in Drumfad, Adam Buchanane in Kirkmichael, and Archibald M^{c}Arthour, shall be harlmless of the said Walter,—Patrick Glasfurde, notary public, subscribing for Bartilmo.

Edinburgh, 22nd March. Caution for Livingston of Belstane.

Caution by Johnne Levingstoun of Belstane, as principal, and Johnne Levingstoun of Prestoun (Brachlaw), as surety for him, in 1000 merks, that he will not harm Johnne Aytoun in Walistoun-chapel.

[1] The Irishman of this entry was a certain O'Rourke, of whom a good deal is heard in the correspondence between Edinburgh and London, in the present month and the following, as abstracted in the *English Calendar of State Papers Relating to Scotland*. Thus, Queen Elizabeth, writing to King James on the 6th of March, "thanks him for his brotherly conduct in respect to an Irishman named O'Rourke, who had come to Scotland and sought his favour, informs him of various treasonable actions committed by the said O'Rourke, and requests that he may be delivered up to her" (*ibid.* 589). The capture of O'Rourke seems to have been troublesome, for he was not delivered up till the following month. He was hanged soon after.

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Caution for certain Macaulays and others.

Caution by Allane M°caula of Ardincaple for Aula M°caula in Durlie, Patrik M°caula in Kirkmichael, and Mungo Lindsay, younger of Balnill, in 1000 merks each, and for James Colhoun of Blairvaddik, Alexander M°caula, Patrik M°caula, and Duncane M°caula, sons of the said Allane M°caula in Durleyne, Aula and Allaster M°caulais, sons of the said Patrik M°caula, Patrik and Andro M°caulais, sons of the late Archibald M°caula, Patrik M°caula and Johnne Dow M°caula, sons of Allaster Our M°caula, Allaster Our M°caula in Kendoch, Johnne Dow M°Gregour in Ardinconnell, Johnne M°Gregour, son of Finla M°Gregour, Malcolme Galbraith, Duncane M°Coull in Blairwaidane, James and David Barclayis, servants to the said Allane M°caula of Ardincaple, in 300 merks each, that Williame Buquhannane in Buttirrich and his colleagues above written (*ante*, p. 598) shall be harmless of the said persons.

Band for Matthew Macaulay of Stuck.

Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band of caution in £1000 by Robert Denyelstoun of Colgrane for Mathew M°caula of Stuk, that Williame Buquhannane in Baturrich and his colleagues foresaid (*ante*, p. 598) shall be harmless of the said Mathew, conform to the letters raised by them against him of date 5th March 1590. Subscribed at Dunbartane and Ardincaple, 18th March, before Johnne Lindsay of Ballnill, Arthour Darleyth of that Ilk, Adam Colhoun in Hill, Mungo Lindsay, apparent of Ballnill, and Patrik Colhoun in Porte,—Mr William Houstoun and Walter Watson, notaries, subscribing for the said cautioner.

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Band for Allan Macaulay of Ardincaple.

Registration, by Mr Alexander King, advocate, as procurator for the surety, of a band of caution by Walter Lekkie of that Ilk for Aula M°caula of Ardincaple in £2000, that Williame Buquhannane in Buturrich and his colleagues foresaid shall be harmless of him. Subscribed at Kilmalcome, 16th March, before Patrik Maxwell of Newark, Williame Maxwell, his father-brother, Robert Lekkie, servitor to the said Walter Lekky, and Robert Cuik, notary public.

Edinburgh, 23rd March. Band for certain Macfarlanes.

Registration, by Mr Edward Bruce, advocate, as procurator for the sureties, of a band of caution by Williame Cunynghame of Polmais for Johnne M°Farlane, son and apparent heir of Andro M°Farlane of Arroquhair, in 500 merks, for Andro, M°Farlane of Gartavertane in £1000 merks, and for Malcolme, Andro and Johnne Dow M°Farlanis, his three sons, Malcome Beg M°Farlane in the Lettir, and Walter M°Farlane, his son, in 300 merks each, that James Colhoun in Barscube, James Colhoun of Blairwaddik, Robert Colhoun of Camstrodane, Johnne Colhoun, his son, Adam Colhoun in Hill, Petir Colhoun in Castellmanis, Johnne Colhoun, parson of Kilpatrik, Patrik Colhoun in the Porte, Robert Colhoun there,

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James Colhoun, his son, Walter Colhoun in Barnehill, Walter Colhoun in Mylntoun, James Colhoun there, Adam Colhoun there, and Mathew Colhoun, burgess of Glasgu, shall be harmless of the said persons,—Johnne, Earl of Mar, becoming surety in relief. Subscribed at Stirling, 21st March, before Robert Portarfeild of Chappeltoun, Thomas Hume and

David Muretoun, servitors to the said "noble Lord," and Johnne Mushett and Andro Buquhannane, notaries. Acta 1589–91.

Edinburgh, 24th March. Suspension of horning against James Pringle of Smailholm.

Complaint by James Hoppringle of Smailholme, and Andro Riddell, younger of that Ilk, Johnne Cranstoun of Moreistoun, and David Hoppringle in Bondarrauch, his curators, for their interest, as follows:—Alexander Young, messenger, collector depute in Roxburghshire of the barons' taxation of £40,000, has charged the said James to pay to him £20 for the last term's payment of the said tax for his eighteen husbandlands of Smailholme, and, for his non-payment, has put him to the horn or means to do so. Now, his said lands are only a twenty merkland of old extent, and the poundland pertaining to every baron was stented at £3 for the first three terms' payment of the said taxation; and so, his said eighteen husbandlands being a twenty merkland, the said three terms' tax thereof extends to 60 merks; "and trew it is that Johnne Hoppringle of Bukholme, sumtyme ane of the said complenaris curatouris, hes maid pament to the said collector-depute of the soume of fourty pundis money, as for the first and secund termes payment of the said taxatioun of his landis foirsaidis," as his acquittance to the complainer, dated 31st January 1589, bears. The said £40 should be allowed to the said collector-depute "as for the haill three termes of the said taxatioun for his landis foirsaidis, seing the samin ar onlie retourit to ane xx merkland. And, albeit the said Tutour hes rashlie and unadvisedlie payit the said soume for the first and secund termes payment of the said taxatioun, that can nawayes prejuge the said complenair, ane minor; nor yit can he be compellit be law to mak payment of ony forder sowme for the thrid termes payment of the said taxatioun. The samin, being alreddy payit, as said is, aucht to be allowit to the said collectour in contentatioun thairof." Wherefore, and because the complainer "hes instantlie found cautioun" for the third term's payment of the said taxation, if found indebted, the said letters ought to be suspended.—The said Alexander Young, and Sir Robert Melvill, treasurer-depute, and Robert Abircrumby, saddler, burgess of Edinburgh, having been warned to appear and produce the said letters in order to their suspension, but none of them appearing, while the complainer appears for himself and his said curators, the Lords do suspend the letters. Page 519.

To denounce Lord Seton for not answering to a complaint of Ninian Lowis.

Complaint by Niniane Lowis, merchant, burgess of Edinburgh, as follows:—Upon 21st November 1588, Archibald Galloway in Langnudrie was, at his instance, put to the horn for not fulfilling the contract made at Edinburgh, 19th December 1586, between the said Niniane and Elizabeth Thomesoun, his spouse, on the one part, and the late James Veche in Lastoun, with consent of Marione Galloway, his spouse, and the said Archibald, and Johnne Pennie in Litle Prestoun, as sureties for them, on the other part. The said Archibald has "maist proudlie and contempnandlie" remained at the horn since then, travelling up and down the country as the King's free subject; "lyke as he is man, tennent and servand to Robert, Lord Seytoun, duellis upoun his landis, and is undir his

Acta 1589–91. obediens, swa that he is oblist be the generall band and lawis of this realme to the entrie of him, quhilk he refuissis to do without he be compellit."—Lord Seytoun, having been charged to appear personally and also Page 520. to enter the said Archibald, but not appearing, while the complainer appears personally, is to be denounced rebel.

Act discharging previous acts anent the keeping of the house of Robertland.

By an ordinance of the Secret Council dated at Edinburgh the [13th] day of [August 1586] and Act of Parliament passed on 29th July 1587 ratifying the same (1587, c. 75, iii. 479), the keeping of the house of Robertland had been committed to Robert, Master of Eglintoun, while David Cunynghame of Robertland should remain at the horn for the slaughter of Hew, Earl of Eglintoun, and till his Majesty should declare his will to the contrary; and for the better keeping of the said house there had been appointed six men to be placed therein, and to be supported upon the said David's living, each of them receiving £6 monthly. The said Master has accordingly kept the house ever since, and has intromitted with £36 monthly to that effect. But now, as it has pleased his Majesty to cause relax the said David from the horn and to order the said house to be delivered to him again, so that now "na forder restis to be done" by the said Master in the said business, the King, with advice of his Council, decerns both the said Acts to cease and have no execution hereafter, in so far as the same extends to the house of Robertland and to the "uptaking of ony parte of the said Davidis leving for keiping thairof," to the effect he may peaceably enter thereto and possess the same. The King promises to ratify this Act in his next Parliament.

Order to denounce Alexander Ross and others.

Page 521. Complaint by Patrik Dunbar of Blarie, as follows:—Alexander Ros of Lenoch, David M°khuchesoun Ardlach, his servant, Allaster M°Allaster Ros in Contradun, Williame M°Gillaspik M°Conell, with their accomplices, to the number of sixteen persons, "all bodin in feir of weir," had, on the day of November last, "undir cloude and silence of nicht," come to the dwelling house of Robert Sym, the complainer's servant, "and invironit the said house on all pairtis, and on thair maner assegeit the same ane lang space be shuitting and dishargeing of hacquebutis and pistollettis in at the windois and durris of the said house. And, finding na appeirance of recoverie of the said house, they brocht the said Robertis haill cornis furth of his awne barneyaird to the said house, and rased fyre within the same cornis, purpoislie to have brint and distroyit the said house, with the said Robert and his haill familie being thairintill; quhilk thay had not faillit to have done, wer nocht at last thay gatt entres within the said house, and violentlie tuke the said Robert furth thairof, and led him as captive and prisonair with thame to the place of Calder, quhair thay detenit him in strait firmance and captivitie ane certane space," thus committing "oppin and manifest oppressioun upon the said complenair." Likewise, Johnne Patersoun, burgess of Fores, and George Dunbar, his good-brother, came, upon 25th January last, to the complainer's lands of Greivship, and maliciously struck and wounded Johnne Cuming, his servant, "cuttit his horse luggis and brak his cairtis."—The complainer

appearing by Niniane Lowis, his procurator, the foresaid persons, for non-appearance, are to be denounced rebels. Acta 1589–91.

Order to denounce William Mure and others.

Complaint by Dame Dorathie Stewart, Countess of Gowry, and Issobell Hume, relict of Thomas Cranstoun, fiar of Corsbie, as follows:—Johnne Elphingstoun, younger of Selme, Robert Cleland, James Douglas in Mortoun, James and Richard Douglassis, his sons, Archibald Douglas of Stannypeth, Archibald Mure of Brigtoun, Mungo Mure in Sheill, Williame Mure there, Patrik Ramsay in Mortoun, Williame Lauder in Salme, and Johnne Inglis, servant to the Laird of Pumpharstoun, with convocation of the lieges, to the number of 100 persons, "all bodin in feir of weir," had come, upon 29th May last, to the complainers' lands of Leithheid, "quhair maliciouslie thay rased fyre and brint and distroyit ane grite quantitie of turffis, cassin be thair servandis upoun thair saidis landis."—Charge had been given to the said Williame Mure, Archibald Mure, Johnne Inglis, and Williame Lauder to appear and answer; and now, the Countess of Goury appearing by Mr Alexander Kinros, her procurator, and the said Issobell by Patrik Hume, younger of Polwart, her procurator, the accused persons, for not appearing, are to be denounced rebels. Page 522.

Caution for John Fleming of Woodlie.

Caution in 1000 merks by Johnne Fleming of Woddelie, as principal, and Johnne Stark, burgess of Edinburgh, as surety for him, that Issobell Gray, relict of Mr Thomas Fleming of Auchinvoill, tackswoman of the lands of Garnegebir, and Henry Stirling and Johnne Scott, tenants of the said lands, shall be harmless of the said principal.

Edinburgh, 25th March 1591.

Caution for the community of Dumbarton.

Caution in £1000 by Johnne Smollett of Kirktoun and Williame Stewart of Shuittingleis for the bailies and council of Dunbartane, that they will not harm Johnne Cunynghame, brother of Donald Cunynghame of Auchinbar.

Caution for Hamilton of Liberton.

Caution in 500 merks by Alexander Hammiltoun of Nethirfeild for James Hammiltoun of Libbertoun, Gawine Hammiltoun, Helene Dalzell, and the other tenants in the barony of Evindaill, that they shall appear before the "nixt provinciall assemblie to be haldin at Glasgu and ansuer at the instance of the brethrene thair to be convenit."

Caution for Lord Altrie.

Caution by Johnne Campbell of Caddell for Robert, Lord Altrie, that he shall pay to George, Earl of Mairshael, whatever sums of money shall be found due by him to the said Earl for the lands of Conyeik, Crechie and Auchdonald, for his relief of the present taxation of £100,000, over and above the sum of £10 already consigned by him in the hands of Archibald Primrois, writer.

Edinburgh, 26th March.

Caution for John Anderson.

Caution in £500 by Johnne Andirsoun in the Manis of Bothkenner, as principal, and George Levingstoun of Ogilface, as surety for him, that he will not harm Alexander Mure of Skemure.

Dalkeith, 26th March.

"Anent the reporte maid to oure Soverane Lord be sic of his Hienes Previe Counsaill as laitlie wer present at his Hienes command and direc-

Acta 1589-91. Page 523.

tioun at the oppynning of the assay box of his cunyiehous, and seing of the assayis of gold and silver being thairintill maid, quhilkis alswa declairit the double clame maid for the same assayis be Sir Alexander Naper of Edinbillie, knicht, generall of the cunyiehous, allegeing the same to pertene to him be privilege of his office, on the ane part, and be Mr Petir Young of Seytoun, maister almoussair to his Majestie, cravand the same to be deliverit to him to be distribuitit to the puir, according to his Hienes precept direct to that effect, requiring his Hienes to declair his will and plesour quhilk of thame suld have the saidis assayis: Oure Soverane Lord, with avise of the Lordis of his Secreit Counsaill, ordanis and commandis the saidis assayis of gold and silver to be deliverit to the said maister almoussair, to be distribuitit to the puir, according to his Hienes foirsaid precept, without delay."

Assays of gold and silver to be delivered to Mr Peter Young.

Caution by Sir Thomas Lyoun of Auldbar, treasurer, for Johnne Ogilvy of Innerquharratie, Gilbert Ogilvy of that Ilk, Patrik Wode of Bonnytoun, James Wode, his son and apparent heir, Thomas Fotheringhame of that Ilk, Thomas Fotheringhame, his son and apparent heir, Johnne Lyoun of Cossynnis, elder, Johnne Lyoun, fiar thereof, Patrik Maull of Panmure, Andro Moncur of that Ilk, Patrik Ogilvy of Inchemartine, Patrik Ogilvy, his son and apparent heir, Petir Hay of Meginche, Williame Blair of Bathyok, Patrik Kynnaird of that Ilk, David Gairdin, elder of Leyis, David Gardin, fiar thereof, David Guthrie of Kincaldrum, Alexander Guthrie, his son and apparent heir, [Johnne] Nevay of that Ilk, [Johnne] Nevay, his son, fiar thereof, George Haliburtoun of Pitcur, George Haliburtoun, his son and apparent heir, George Haliburtoun of Pittarthie, Williame Blair of Bagillo, Johnne Lamby of Dunkeny, Johnne Lyoun of Rochelhill, Johnne Thornetoun of that Ilk, Alexander Balbirnie of Innerrichtie, Andro Gray of Lour, Williame Wode of Latoun, David Maxwell of Teling, Alexander Guthrie of Halkertoun, Patrik Guthrie of Pitmeweis, Thomas Lyell of Murthill, Alexander Lyell, his son and apparent heir, James Lyoun of Eister Ogill, David Fentoun of Wester Ogill, Andro Guthrie of Bannabrich, Walter Rollok, tutor of Duncrub, James (? Johnne) Skryngeour of Glaswell, Johnne Wishert of Bogy, Johnne Wishert, his son and apparent heir, James Erskin, portioner of Auchtirforfair, Thomas Wishert, portioner of Bandarg, Archibald Guthrie of Muirtoun, Williame Guthrie, brother of Alexander Guthrie of Halkertoun, David Ogilvy, brother of Johnne Ogilvy of Innerquharatie, Mr Gilbert Ogilvy, son of the Laird of Poury-Ogilvy, Alexander Nevay in Foferty, Robert Lyoun of Scrogerfeild, David Lyoun of Balgillo (Balgillie), Williame Lyoun in Nether Balgillo, Alexander Guthrie in Craquhymilne, Johnne Guthrie there, Richard (? Robert) Rynd in Phanno, Richard Rynd in Wester Doid, Robert Sturok there, Patrik Lyoun, burgess in Dundee, Juleane Wilsoun in Glammis, Michael Lyoun there, Alexander Ker in Bonnytoun, James Walker in Drumglen (? Drumgley), Thomas Lyoun in Killymure, Abraham Pigott there, Johnne Hassuell (Heswell) there,

Dalkeith, 27th March. Caution for Ogilvy of Inverquharity and others.

James Craig in Pitticrew (Pettreuchy), and Johnne Weddellie there, that the community and inhabitants of the burgh of Forfair shall be harmless of the said persons, under the pains contained in the letters executed against them at the instance of the said community. Acta 1589-91.

Edinburgh, 28th March. Caution for Hamilton of Woodhall and others.

Caution by James Hammiltoun of Wodhall, as principal, and James Hammiltoun of Shirrell, as surety for him, in 1000 merks, and by both for Johnne Hammiltoun, son and apparent heir of the said Laird of Wodhall, in £500, and for James Riddell, his servant, in £100, that Johnne Hammiltoun in Aikinheid, James Watsoun in Garturk, Thomas Pautoun there, Harbart Pittigrew in Burnesyde, James Broun in Coitdyke, Jonnett Cathkin there, Thomas Angus in Grene, Robert Angus there, Robert Wode in Coithill, Johnne Raa there, Johnne Russell there, and David Cathkin in Boydisland, tenants of the lands of Gartirk and Coittis, shall be harmless of the said persons,—Johnne Andro subscribing for Hammiltoun of Wodhall and Hammiltoun of Shirrell, who cannot write.

Edinburgh, 30th March. Band for certain Macfarlanes.

Registration, by Mr Johnne Prestoun, advocate, as procurator for the sureties, of a band of caution by Johnne Murray of Touchadam for Andro M^{c}Farlane of Arroquhair in 1000 merks, for Umphra M^{c}Farlane, his son, in 500 merks, and for Malcolme Galt M^{c}Farlane in Trogartnay, Parlan M^{c}Coull M^{c}Farlane in Gartobrochane, Dougall M^{c}Farlan in Murelagan, his brother, Johnne M^{c}Farlane in Pulchro, Malcolme M^{c}Farlane in Innersnad, Walter M^{c}Farlane, son of Alexander M^{c}Farlane, in 300 merks each, that James Colhoun in Barscuib and his colleagues abovewritten (*ante*, p. 599), shall be harmless of the said M^{c}Farlanes,—Johnne, Earl of Mar, becoming surety in relief. Subscribed at Striviling, 27th March 1591, before Robert Portarfeild of Chappeltoun, James Reid and Thomas Hume, servants to the said noble Lord, and Johnne Mushett and Andro Buquhannane, notaries. Page 524.

Caution for William Buchanan.

Caution for John Buchanan.

Caution in 500 merks by Williame Callendair of Bancloich for Williame Buchannane, father-brother of the Laird of Drummakill, that he will not harm Allane M^{c}caula of Ardincaple or Allane M^{c}caula of Durlyne. Caution to the same effect by Bartilmo M^{c}caula of Ardoch for Johnne Buquhannane in Camroun.

Edinburgh, 31st March. Caution for William Mure and his son.

Caution for certain Buchanans.

Caution by Edward Bruce of Kynnaird for Williame Mure in Bothkenner, and Alexander Mure, his son, that they will not harm Alexander Mure of Skemure, under the pains in the letters against them.

Caution by Johnne Stirling of Glorat and Johnne Stirling of Craigbarnat for James Buquhannane in Fynneith, Williame Buquhannane, his son, Johnne Buquhannane in Balleconnoquhy, Johnne Buquhannane in Ibert, Thomas Buquhannane of Garberth, Williame Buquhannane in Bollett, Walter Buchannane, his son, Williame Buchannane in Lether, Walter Buchannane in Gartnes, Johnne Buchannane in Duchlas, Duncane Buquhannane in Ardmoir, Williame Buquhannane in Arroquhybeg, and

Acta 1589-91. Johnne Buchannane, "auld Thomas sone," in Gartincavir, that they will not harm Allane M°caula of Ardincaple or Allane M°caula of Durlyne, under the pains in the letters raised against them.

Page 525. The King, with advice of his Council, "in respect of the present derth and scairstie of fisheis this present seasoun of the yeir," dispenses with the late Act "maid tuicheing the abstening frome eiting of fleshe quhill the first day of Maii nixt to cum," and grants licence to all the lieges to eat flesh, "during this seasoun of this present yeir allanerly, upoun the ordinair dayis oulklie not prohibite be his Majesteis Actis of Parliament." This to be proclaimed at the cross of Edinburgh and other fit places. Dalkeith, 1st April. Licence to eat flesh in the forbidden season.

Caution by Williame Stewart of Garchell for Walter Buchannane in Garthmoir, that he will not harm Allane M°caula of Ardincaple or Allane M°caula of Durlyne, under the pains in the letters against him. Edinburgh, 1st April. Caution for Walter Buchanan.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of a band of caution by James Hammiltoun of Rouchbank, and James Hammiltoun, his son and apparent heir, for James Dunlop, elder of that Ilk, in £1000, and for James Dunlop, younger of that Ilk, in 500 merks, that they will not harm Elizabeth Scott, Lady Glengarnok, younger. Subscribed at Langherdmestoun, 2nd April, before Archibald Hammiltoun, son of the Laird of Langherdmestoun, James Ros, messenger, and Robert Nasmith. Edinburgh, 2nd April. Band for Dunlop of that Ilk.

Registration, by David Moysie, writer, as procurator for the parties, of a band of caution by Johnne Semple of Foulwode for Johnne Buquhannane, burgess of Dunbartane, and Walter Buquhannane, in 1000 merks each, Page 526. that Aula M°caula of Ardincaple and Aula M°caula in Durlyne shall be harmless of them, conform to the King's letters dated 23rd March 1590. Subscribed at Dunbartane, 31st March, before James Smollett, Mathew Palmer, Mathew Fallausdaill, burgesses of Dunbartane, Tobias Smollett, son of the said James, and Johnne Eldair, apparent of Hill,—Mr William Houstoun, notary, subscribing for the said Johnne Buchannane. Edinburgh, 3rd April. Band for John and Walter Buchanan.

Caution in £2000 by Mr Thomas Bellenden, brother of Sir Lues Bellenden of Auchnoull, for Patrik, Master of Orknay, that he will not harm Laurence Bruce of Cultmalundie. Caution for Patrick, Master of Orkney.

Caution by Johnne Touris of Inverleith for James Wemys in Bardane in 1000 merks, and for Mr James Wemys, his son-in-law, and Jonnett Wemys, relict of Williame Clerk, burgess of Dysert, in 500 merks each, that Elspett, Jonnett, Sicell and Elizabeth Clerkis, bairns of the said late Williame, and Johnne Clerk, their tutor, shall be harmless of them. Caution for James Wemyss and others.

Registration, by Mr Williame Hairt, advocate, as procurator for the parties, of a band of caution in 500 merks by Robert Craigingelt of that Ilk for Robert Buchannane in Stirling, that he will not harm George Narne, Edinburgh, 5th April. Band for Robert Buchanan.

burgess there. Subscribed at Striviling, 2nd April, before Walter Murisoun, maltman, Johnne Balfour of Thrattie-aikeris, Walter Murray, Robert Alexander, Johnne Portair, merchants, Walter Murisoun, Johnne Murisoun, his son, James Wallace, notary public,—James Duncanesoun, notary public, subscribing for the said Robert Buchannane. Acta 1589 91. Page 527.

Edinburgh, 6th April. Caution for Thomas Hume.

Caution in 500 merks by Alexander Hume of Sanctleonardis for Thomas Hume in Loch, that he will not harm Thomas Baillie in Spott, tenant to Mr James M^{c}Cairtnay, doctor in medicine, or the said Mr James, his master.

Edinburgh, 8th April. Caution for David Scott.

Caution by Johnne Hairlaw, saddler, and Donald M^{c}kdull, tailor, burgesses of Edinburgh, for David Scott, son of Walter Scott of Gouldielandis, that he will not harm the vassals or servants of Williame, Earl of Angus, under the pains in the letters raised against him.

Edinburgh, 9th April. Caution for David Grenton and others.

Caution by James Foullis of Colintoun for David Grentoun in Compstoun in 500 merks, for Robert Grentoun, his son, in £500, and for Thomas, the said David's son, James Grentoun in Lynlythqu, Robert Grentoun, his son, and Johnne Grentoun in Lynlythqu, in 300 merks each, that they will not harm Thomas Craufurde in Compstoun. T. Foullis of Broumesyde subscribes as a witness.

Edinburgh, 12th April. Caution for David Russell and John Tulloch.

Caution by David Russell, wright, in Edinburgh, and Johnne Tulloch, wright, in the Cannogait, as principals, and Johnne Gibsoun, wright, in the Cannogait, as surety for them, in 500 merks each, that they will not harm Johnne Hall, cooper, son of the late James Hall, burgess of Glasgu.

Caution for John Steell.

Caution by Thomas Patersoun, elder, burgess of Edinburgh, for Johnne Steill, pensioner of Auchtirtule and Dolour, that he shall pay to Hary Stewart, Commendator of Sanctcolmisinche, and Dame Margaret Campbell, relict of James, Lord of Doun, last commendator, such sums as he shall be found owing for their relief of the three terms' payment of the taxation of £100,000, for his pension furth of the said abbey, assigned to be paid out of the kirks of Auchtirtule and Dolour, over and above the 10 merks already consigned by him.

Caution for James, Patrick, and Adam Colquhoun.

Caution by Allane M^{c}caula of Ardincaple for James Colhoun of Blairvaddik in 1000 merks, and for Patrīk Colhoun, younger, in the Porte of Rosden, and Adam Colhoun in the Milntoun of Colhoun, in 300 merks each, that Andro M^{c}Farlane of Arroquhair, Johnne and Umphra, his sons, Andro M^{c}Farlane of Gartavertane, Malcolme and Johnne Dow M^{c}Farlanis, his sons, Malcolme Beg M^{c}Farlane in the Lettir, Walter M^{c}Farlane, his son, Malcolme Galt M^{c}Farlane in Strogartnay, Parlane M^{c}Coull M^{c}Farlane in Gartobrochane, Dougall M^{c}Farlane in Murlagait, his brother, Johnne Buchannane in Pulchro, Malcolme M^{c}Farlane in Inderswad and Walter M^{c}Farlane, son of Allaster M^{c}Farlane, brother of the said Andro M^{c}Farlane of Gartavertane, shall be harmless of the said persons,—Adam Colhoun in Hill becoming surety in relief. Page 528.

Acta 1589-91. Registration, by Mr Alexander King, advocate, as procurator for the parties, of (1) Band of caution by Johnne Hammiltoun of Pardowie, elder, and Johnne Hammiltoun, younger, for Walter Colhoun of Barnehill, Johnne Colhoun and Andro Colhoun, his sons, and James Colhoun, son of the late parson of Lus, that Andro M°Farlane of Arroquhair and his colleagues abovewritten (*ante*, p. 606) shall be harmless of them, under the pains contained in the letters raised to this effect,—the said principals, together with James Colhoun of Garscuib, becoming bound to keep their said sureties skaithless. Subscribed at Pardowie and Glasgu, 12th April, before Patrik Colhoun, son of the said James Colhoun of Garscube, Alexander M°kashlene, William and Umphra Hammiltonis, sons of the said Johnne Hammiltoun of Pardowie,—Hugh Blair, notary public, subscribing for Colhoun of Garscube, Colhoun of Barnehill, and the son of the parson of Lus, who cannot write. (2) Band of caution to the same effect by Williame Wallace, younger of Johnnestoun, for Walter Colhoun in Kilmerdonie, Mathew Colhoun, burgess in Glasgu, Andro Colhoun, burgess there, Mr Malcolme Colhoun, student in the College of Glasgu, Mathew Colhoun, younger, their brother, James Colhoun in Milntoun of Colhoun, Johnne Colhoun of Milntoun, Walter Colhoun, his son-in-law, and Johnne Colhoun in Dalmure. Subscribed at Glasgu, 12th April, before Adam Colhoun in Hill, Arthour Darleith of that Ilk, Walter Colhoun of Barnhill, Petir Colhoun, burgess in Dunbartane. (3) Band of caution to the same effect by Alexander Darleith of that Ilk, and Johnne Mure, flesher, burgess of Glasgu, for Adam Colhoun of the Hill, Patrik Colhoun of the Port, Daniel Colhoun, his son, Robert Colhoun in the Port, Robert Colhoun in the Hill, Petir Colhoun in the Manis, and Williame Colhoun in Dunglas. Subscribed at Glasgu, 11th April,—John Andro, Clerk of Council, Hugh Blair and Robert Blair, notaries public, subscribing for the principals and their sureties, because they cannot write. (4) Band of caution to the same effect by Johnne Hammiltoun, elder of Pardowie, Johnne Hamiltoun, fiar of Bardowie, and Hew Craufurd of Clobarhill, for James Colhoun of Garscuib, Patrik Colhoun, his son, and Alexander Colhoun, student in the College of Glasgu. Subscribed at Glasgu, 12th April, before Walter Colhoun of Barnhill, Patrik Colhoun in Port, James Colhoun in Balnill, Walter Blair, servitor to Hew Blair, notary,—the said notary public subscribing for the said James Colhoun, because he cannot write.

Edinburgh, 13th April. Bands for certain Colquhouns, that they will not injure certain Macfarlanes.

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Caution in 500 merks by Walter Stevinsoun, burgess of the Cannogait, for James Russell, wright there, that he will not harm Johnne Hall, cooper, son of the late James Hall in Glasgu.

Caution for James Russell.

Caution in £2000 by Alexander Duchall of Ardochbeg for Johnne Campbell of Ardkinglas, that Archibald Boill in Tarbett, Johnne (? James) Mitchell in Ardrossane, James (? Johnne) Hog in Portincors (Portincork), Johnne M°Allan in Hunterstoun (? Hurdestoun), Johnne Ewing in Southennen, Johnne (? Thomas) Edward (Edart), and Johnne Or in Fairnieley

Glasgow, 13th April. Caution for Campbell of Ardkinglass.

(? Fairlie), Duncane M^cGibbun in Kelburne, Thomas Barclay and Johnne Clerk in Reidhall, Johnne Scott and Alexander Kelso in Kelsoland, Andro Hude (? Howie) in Kirktoun (? Knoklin), Robert Cunynghame, Archibald Greg, George (? Robert) Fleming, in Skelmourlie, Robert Small, Johnne Ewing and Johnne Scott, in Kellie, Alexander Hamiltoun in Auchinfor (? Andinsot, ? Ardrossane), James Weddrow in Daff, Hector Fynman (? Hyndman) in Fynnok, Hector Cristiswell, Johnne Craufurd and Thomas Byris (? Byrde) in Ardgowane, Williame Morisoun, and Williame (? Martine ? Malcolme) Hunter in Flottertoun, Andro Miller in Grenokshaw, Johnne Scott in Stewartistenement, Johnne Lyoun there, Johnne Grenehill in Newark, Andro Galbraith (? Gowane) there, James Lindsay in Dunrod, and the remanent boatmen and fishers of herring in the west sea coast within the parishes of Ardrossane, Kilbryde, Largis, Innerkip, Kilmacolme, Erskin, and Ilis of Bute and Cumrayis, shall be harmless of the said Johnne. Acta 1589-91.

Glasgow, 14th April. Caution for certain Colquhouns.

Caution by Johnne Stirling of Bankeir and Walter Stirling of Ballagan for Robert Colhoun, son of the late Adam Colhoun of Blairvaddik, Gawin Colhoun, brother natural of the Laird of Lus, and Petir Colhoun, son of Petir Colhoun in Milntoun, that Andro M^cFarlane of Arroquhair and his retainers (*ante*, p. 606) shall be harmless of them, under the pains contained in the letters raised to that effect,—James Colhoun of Garscube becoming surety in relief, and John Andro subscribing for him, because he cannot write.

Edinburgh, 14th April. Band for the Bailies and Council of Forfar.

Registration, by Mr Johnne Russell, advocate, as procurator for the cautioner and principals, of a band of caution in 2000 merks by Mr Williame Carnecros of Balmashennair for George Sutie, Williame Andirsoun, David Strang, bailies of the burgh of Forfair, Walter Lindsay, David Hunter, George Hunter, Cristell Ramsay, Alexander Hude, James Banye, Cristell Menteith, Patrik Alexander, Williame Spalding, James Rynd, George Alde, and Archibald Andirsoun, councillors thereof, that Johnne Ogilvy of Innerquharrite and his retainers foresaid (see *ante*, p. 603), together with the following persons, viz., James Strauchan of Carmylie, David Guthrie, son and apparent heir of Alexander Guthrie, younger of Kincaldrum, David Rossie of that Ilk, David Guthrie *alias* Dum David, and Johnne Guthrie *alias* Stratyrum, shall be harmless of the said bailies, councillors, and other inhabitants of the said burgh. Subscribed at Forfair, 13th April, before Mr James Rait, minister at Kynnetlis, Robert Lausoun, reader at Forfair, Alexander Weddell, burgess of Forfair, and Johnne Traill, notary public,—who subscribes for the cautioner, Williame Andirsoun, bailie, Walter Lindsay, Alexander Huid, David Hunter, George Hunter, James Bany, Cristell Ramsay, James Rynd, George Alde, and Archibald Andirsoun, " becaus we can not write our selffis." Page 531.

Edinburgh, 16th April.

Caution in 2000 merks by George Dunbar of Barnmure for the provost,

Acta 1589–91. bailies and Council of Air, that Archibald Boill in Tarbert and his forementioned colleagues, boatmen and fishers in the parishes and Isles foresaid (see *ante*, p. 607), shall be harmless of them. Caution for the town council of Ayr.

Page 532. Registration, by Mr Richard Spens, advocate, as procurator for the principal and his surety, of a band of caution in £1000 by Johnne Ros of Haning for his "gude freind," David Foullartoun of Corsbie, that Archibald Boill in Tarbett and his foresaid colleagues, boatmen and fishers &c. (*ante*, p. 607), shall be harmless of him. Subscribed at the place of Haning, 15th April, before James Foullartoun, son of the said David, and George and Thomas Ross, sons of the said Johnne. Edinburgh, 19th April. Caution for Fullerton of Corsbie.

Complaint by Williame Thomesoun in Boningtoun, and Williame Thomesoun, his son, as follows:—Robert Sawage in Slipperfeild has for many years past "maist havelie opprest" them in the possession of their lands, by intromitting with their goods, "drawing of thair stakkis, eiting and distroying with thair bestiall and guidis of the saidis complenaris growand cornis, and in the persute of thameselffis, thair tennentis and servandis, be way of deid." Thus, "upoun the xix day of November last bipast, the said [Robert], accumpanyed with Adam Cokburne, his wyffis bruthir, and Robert Patersoun, his wyffis sone, come to the saidis complenaris landis in Boningtoun, quhair thay wer gangand at thair pleuch in peaceable and quiet maner, and violentlie loused thair said pleuch and preissit to have reft twa of thair oxin fra thame, and at that same tyme shamefullie and cruellie invadit and persewit thame of thair lyveis, and hurte and woundit the said Williame Thomesoun, youngair, with nyne bludie woundis; and dalie as yit lyis at await for thair slauchter, shoiring and avowing to have the saidis complenaris lyveis."—Sawage and Patersoun, having been warned to answer but not appearing, while Thomesoun, younger, appears for himself and his father, are to be denounced rebels. Edinburgh, 20th April. Order to denounce Robert Savage and Robert Paterson.

Page 533. "Forsamekle as, Francis, Erll Bothuill, etc., being dilaitit and accuseit in presens of the Kingis Majestie and Lordis of Secreit Counsaill of certane crymes of tressoun and lesemajestie committit be him, he is committit to warde thairfoir quhill he be tryit foule or clene of the samin according to the lawis of this realme, and, seing he remanis chargeit for the saidis crymes and not deulie tryit thairof, it is nocht convenient that his freindis, servandis and propir dependaris repair to our Soverane Lordis presens and cumpany, nor to the burgh of Edinburgh, quhill the said tryale be tane: Quhairfoir, his Majestie, with advise of the Lordis of his Secreit Counsaill, ordanis letters to be direct to officiaris of armes, shereffis in that parte, chargeing thame to pas and, in his Hienes name and authoritie, command and charge all and sindrie the said Erllis freindis, servandis and propir dependaris (Niniane Churnesyde and Nisbitt his servand, quha ar chargeit to compeir befoir his Majestie for the same caus, onlie exceptit), be oppin proclamatioun at the mercat croce of the said burgh of Edin- Edinburgh, 21st April. Charge to the Earl Bothwell's servants and dependers.

burgh and all utheris placeis neidfull, to depairt and pas hame to thair awne duelling houssis or utherwayes quhair thai sall think expedient within xxiiii houris nixt eftir the publicatioun heirof, and on nawayes to resorte to his Majesteis presens and courte, nor to the said burgh of Edinburgh, be the space of foure myllis, quhill the said Erll be tryit foule or clene of the saidis crymes, or that thai obtene his Hienes speciall licence in the contrair, undir the pane of deid: certifeing thame, and thay failyie, thay salbe repute, haldin and estemit as arte and parttakaris with the said Erll in the said tressounable crymes, and salbe persewit and punist for the same to the deid, with all rigour and extremitie." Acta 1589–91.

Charge to Ninian Chirnside and his servant.

"The Kingis Majestie, with advise of the Lordis of Secreit Counsaill, ordanis letters to be direct chargeing Niniane Chirnesyde, servitour to Francis, Erll Bothuill, and Nesbitt, servand to the said Niniane, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme and all utheris placeis neidfull,—quhilk his Hienes and the saidis Lordis declairis to be als sufficient as giff thai wer personalie apprehendit, becaus thai have na knawin certane duelling placeis,—to compeir personalie befoir his Majestie and the saidis Lordis at Haliruidhous or quhair it sal happin thame to be for the tyme the saxt day of Maii nixt to cum, to ansuer to sic thingis as salbe inquirit of thame concerning the perrelling of his Majesteis persone, croun and estate, and to undirly sic ordour as salbe takin [in] that behalff, undir the pane of rebellioun, etc., with certificatioun, etc."[1]

Mr John Sharp, advocate, against the Commendator of Pittenweem, in the matter of an alleged gift to the Commendator by the King of certain lands in which the complainer is heritably infeft.

Complaint by Mr Johnne Shairp, advocate, as follows:—In September 1569 he was heritably infeft in the lands, mains and mill of Houstoun, within the shire and lordship of Lynlythqu, immediately held in feufarm of the King; "and, because thair wes ane uthir pretendit heritable infeftment of the landis, manis and miln foirsaid maid and grantit, be his Hienes and his regent for the tyme, to umquhile Robert Hammiltoun of

[1] Of the previous career of this extraordinary Francis Stewart, Earl Bothwell, the King's cousin (*i.e.*, the son of John Stewart, Prior of Coldingham, a natural son of James V.), there are numerous enough traces in vol. iii. of the Register and in the preceding part of the present volume. (See by the Indexes, under Bothwell.) He had already, in fact, mixed himself up a good deal with public affairs, become one of the most powerful men in the kingdom, and acquired a peculiar reputation for political waywardness and recklessness, and for dissipation and profligacy. One of his last escapades had been in the preceding January, when he had forcibly carried away out of the tolbooth of Edinburgh, while the King and the Court of Session were sitting there, one of the principal witnesses in an action of divorce brought by the Laird of Craigmillar against the Laird of Niddry (Calderwood, v. 117). That, like many previous offences of the kind, had been condoned; but he lay now under a more serious accusation. He had, it was currently reported and believed, been trafficking with wizards and witches in a treasonable manner, and for treasonable purposes; and two of the most noted practitioners of the black art then on trial,—Agnes Sampson, called "The wise wife of Keith," and Richard Graham (see *ante*, p. 591, footnote),—had testified that he had consulted them as to the probable duration of the King's life and what should happen after his death. On this and other charges he had been brought before the King and Council on the 15th of the present month, and had been committed to ward in Edinburgh Castle (Spotswood, p. 583, and Calderwood, v. 127, 128). Much as has been already heard of him, it is from this point that the most singular part of his career begins,—that part for which he is remembered as one of the strangest and altogether most unintelligible personages in Scottish History.

Acta 1589-91. Fairholme," the complainer had called the said Robert before the Lords of Council and had obtained their decree rescinding the said Robert's infeftment. "Nevirtheles, Williame, Commendatair of Pittinweyme, hes laitlie coft the pretendit title of the lyfrent of the saidis landis, as allegeit pertening to Johnne Steill, quha wes the annalier of the heritable richt to the said Maister Johnnis predicessour, onlie to purches aganis him ane pley and actioun, quhilk he luikit not for at his handis for mony just and ressonabell caussis; upoun the quhilk occasioun the said Mr Johnne wes movit to intent his actioun aganis the said Commendatair and Johnne Steill for declaratioun of his said heritabell richt; quhairin his summondis is found relevant, admittit to his probatioun, the caus concludit and restand allanerlie at the geving of the sentence. Nochttheles, in the meantyme, as the said Mr Johnne is credibillie informeit, the said Williame, Commendatair of Pittinweyme, be sinister informatioun maid to his Majestie, but ony ground or fundament, bot onlie of intentioun to fashe the said Mr Johnne and trouble him with proces, hes procurit, or intendis to procure, at his Hienes handis, ane signature of ane new infeftment of the saidis landis, manis and miln, and intendis, giff it be possible, to pas this samin previlie throw the seills, and to tak sesing thairupoun, to draw him in ane questioun of reductioun; quhilk signature, giff ony be purchest, can nawise stand of the law and constitutionis of this realme, be the quhilk double alienationis ar alluterlie prohibite and foirbiddin; nather yit can the granting thairof stand with his Hienes honnour, not onlie in respect of his said first infeftment, bot als be ressone the same infeftment renewit laitlie eftir his Majesteis perfyte age, contenand ane new gift of the saidis landis grantit with all dew solempniteis and with supplement of all faultis, as the samin shawne to the Lordis of Secreit Counsaill beiris. And, thairfoir, the said signatur, in cais ony be purchest, aucht to have na forder passage."—The complainer appearing personally, and also the Commendator, and the latter having produced the said signature, containing a heritable gift to him of the said lands "as being in his Majesteis handis," and this signature, together with a new infeftment of the said lands passed by the King to the complainer, "eftir his Hienes perfyte age of xxi yeiris compleit," containing also a new gift of the same lands, produced likewise by the complainer, dated 3rd October last, having been seen and considered, the King and Council declare that "it can not stand with his Majesteis honnour, lawis of this realme, and Actis of Parliament, to pas the said signature to the said Commendatair in prejudice of the said Mr Johnne his infeftment foirsaid," and therefore ordain the same signature to be "cancellit and distroyit for evir."

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Edinburgh, 24th April. Caution for Maxwell of Spotts.

Caution in £1000 by Edward Maxwell of Lamingtoun for Sir Robert Maxwell of the Spottis, that Johnne Redik of Dalbaty, Mr Robert Paull, and Leonard Redikis, his sons, George Redik in Ardoch, George Redik, his son, Williame Redik in Corskrathen, and Williame Redik in Perk, shall be harmless of the said Sir Robert.

Caution for Montgomery of Langshaw.

Registration, by Mr Robert Lintoun, advocate, as procurator for the surety, of a band of caution in 2000 merks by Robert, Master of Eglintoun, for Neill Montgomerie of Langshaw, that he will not harm James Dunlop, younger of that Ilk. The band bears to be subscribed at Paislay, 20th April, before Hew Ralstoun of that Ilk, James Craufurd, fiar of Bordland, Mr Alexander Skringeour, minister of Irwing, and Mr Johnne Likprevik, "my servand." Acta 1589–91.

Edinburgh, 26th April.

Caution for Hume of Ayton.

Registration, by Mr Johnne M^c^kgill, advocate, as procurator for the parties, of a band of caution in £2000 by Johnne Hammiltoun of Grange for Williame Hume of Aytoun, that he will not harm George Hume, son of the late David Hume in Dunbar. Subscribed at Grange, 26th April, before Robert Hume, Johnne Lamb, Alexander Sheill, and Gilbert Sanderis. Page 535.

Caution for David Renton of Billie.

Caution in £2000 by James Lausoun of Humbie for David Rentoun of Billie, that he will not harm Sir George Hume of Prymroknowis.

Caution for David Renton and William Hume.

Caution by James Lausoun of Humbie for David Rentoun of Billie in £2000 and for Williame Hume of Swynwode in £500, that they will not harm George Hume, son of the late David Hume in Dunbar.

Caution for the Humes of Ayton, elder and younger.

Registration, by Mr Johnne M^c^kgill, advocate, as procurator for parties, of a band of caution by Johnne Hammiltoun of Grange for Williame Hume of Aytoun, and Patrik Hume, younger of Aytoun, his son, in £2000 each, that they will not harm Sir George Hume of Primroknowis. Subscribed at the Grange, 26th April, before Robert Hume, Johnne Lamb, Alexander Sheill, and Gilbert Sanderis.

Edinburgh, 27th April.

Caution for Alexander Hannay and others.

Registration of three bands presented by Hary Bickartoun, writer, as procurator for the parties, viz. :—(1) Caution by Sir Alexander Stewart of Garleis for Alexander Ahanna of Sorbie, Gawin Dunbar of Baldone, George Murray of Brochtoun, Williame Houstoun of Coittreuch, Alexander M^c^Kie, younger of Larg, Archibald M^c^Kie of Mertoun, in 1000 merks each, and for Johnne M^c^Gowne, provost of Quhithorne, in £1000, that James Kennedy, son of Johnne Kennedy of Blaquhan, and his tenants and servants dwelling within the lands of Crugiltoun Castle, Portarrik and Quhythillis, shall be harmless of the said persons. Subscribed at Glastoun, 23rd April 1591, before James M^c^Culloch of Drummorrall (? Drummolles), Robert Ahanna and Robert M^c^Kynnell, "my servitouris," and Johnne Cairnis of Cultis. (2) Caution to the same effect by Alexander Ahanna of Sorbie and Gawin Dunbar of Baldone for the "richt honnorabill" Sir Alexander Stewart of Garleis in 2000 merks, and also for the said Sir Alexander as provost of Wigtoun in £1000, conform to the letters of lawburrows obtained against him by the said James. Subscribed and witnessed as above. (3) Caution in 2000 merks by George Murray of Brochtoun, and Petir M^c^Douell, fiar of Mauchirmoir, for the said Sir Alexander, that he will not harm Patrik M^c^Lurg, James Kennedy, James Mitchell, Johnne Kirkpatrik, or Johnne Logy, servants to Johnne Page 536.

Caution for Stewart of Garlies.

Acta 1589–91. Page 537.

Kennedy of Blairquhan. Subscribed and witnessed as above, with Robert M^cKimay, servitor to the said Sir Alexander, as an additional witness.

Caution in £500 by Johnne Moubray of Barnbougall for Phillop Moubra, fiar of Pitluvermilne, that he will not harm Adam Dury of Medowend. Edinburgh, 28th April. Caution for Philip Moubray.

Complaint by Johnne Hay of Smeithfeild, and Adam Mathiesoun, servant to Johnne, Lord Thirlstane, chancellor, as follows:—Upon the day of April instant, about 7 o'clock in the evening, while they were "gangand upoun the hie streit of Peblis in peceable and quiet maner," Williame Burnett of the Barnis, Michael Diksoun, James Diksoun, his brother, George Inglis, brother of the Laird of Manerheid, Williame Lowis, brother of Thomas Lowis of Plora, Stevin Lyne in Aulderstoun, Johnne Lyne, his brother, James Tuedie, half-brother of the said Stevin Lyne, Johnne Phillip, and Phillip, his brother, "duelland in the Wrae," with about twelve persons more, all armed, "set upoun the said Adam Mathiesoun, upoun sett purpois and provisioun to have slane him, quhilk thai had nocht faillit to have done wer nocht his awne bettir defens and the releiff quhilk he ressavit of the said Johnne Hay of Smithfeild, quha, in the redding of the said Adam Mathiesoun fra the violence and persute of the foirsaidis personis, wes maist cruellie hurte and woundit in his heid and left for deid."—Charge having been given to the said Michael Diksoun, Stevin Lyne, James Tuedy, James Diksoun, George Inglis and Johnne Phillop, to appear this day and answer, and none of them appearing, while the complainers appear personally, the order is to denounce them rebels. Edinburgh, 29th April. Order to denounce Michael Dickson and others.

Caution in £1000 by James Sydserff, burgess of Edinburgh, for George Auchincraw in Peilwallis, that he will not harm Sir George Hume of Prymroknowis. Edinburgh, 4th May. Caution for George Auchincraw.

Registration, by Mr Johnne Arthour, advocate, as procurator for the surety, of a band of caution in 1000 merks by Patrik Hepburne of Cracho for his "weil belovit freind" Johnne Hume in West Restoun, that he will not harm the said Sir George Hume. Subscribed at West Restoun, 30th April, before Johnne Horne in Eymouth, Patrik Hume, and Petir Fleming, "my servandis." Caution for John Hume in West Reston.

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Caution by James Douglas, fiar of Spott, for the said Sir George Hume, Sir Alexander Hume of Snuke, James, Johnne and Williame Humis, their brothers, Alexander Hume of Manderstoun, Patrik, Johnne and George Humis, his brothers, Chirnesyde of Eist Nesbitt, Johnne and David Chirnsydis, his brothers, Alexander Hammiltoun of Innerueik, Hew Hammiltoun, his brother, George Hume of Spott, James Hume of Freirland of Dunbar, Alexander Hume of the Deynis, George and Andro Humis, their brothers, and Alexander Hume of Northberuikmanis, that Williame Hume of Aytoun, Patrik Hume, his son, fiar thereof, David Rentoun of Billie, George Auchincraw in Eist Restoun, Williame Hume of Prandergaist, Edinburgh, 5th May. Caution for Sir George Hume and others.

Johnne Hume of West Restoun, and the other tenants of the lands of Auchincraw, Eist Restoun, West Restoun, and Billie, shall be harmless of the said persons, under the pains contained in the letters executed against them, provided always that the finding of this caution shall not prejudice the said Sir George "anent his heritabill richt, title and possessioun of the commoun of Horslie." Acta 1589–91.

Edinburgh, 6th May. Clement Cor ordained to deliver 500 merks to Robert Lumsden.

Command to Clemett Cor, bailie of Edinburgh, to deliver the sum of 500 merks, consigned in his hands by Archibald Maxwell of Cowhill, to Robert Lummisden, burgess of the said burgh, cessioner and assignee "constitute thairto" by Johnne Levingstoun of Abircorne, to whom the same had been ordered to be paid by a decree pronounced by Sir Robert Melvill of Murdocarny, treasurer-depute, Sir Lues Bellenden of Auchnoull, justice-clerk, and Walter, Prior of Blantyre, according to an Act of Secret Council made thereanent, and this "nochtwithstanding ony arreistment maid of the said soume in the handis of the saidis Archibald Maxwell or Clemett Cor be Robert Abircrumby, saidlair, or utheris actis, ordinanceis or deliveranceis maid in the contrair."

Holyrood-house, 7th May. Order to denounce two retainers of Earl Bothwell.

Niniane Chirnesyde, servitor to Francis, Earl Bothuill, and Nesbitt, servitor to the said Niniane, having failed to appear, as charged, to answer to such things as should have been inquired of them concerning "the perelling" of the King's person, crown and estate (*ante*, p. 610), are to be denounced rebels.

The Sheriff and Sheriff-depute of Dumfries against Douglas of Drumlanrig, who has obtained a commission of justiciary in Dumfriesshire.

Complaint by Robert, Lord Creichtoun of Sanquhair, sheriff-principal of Drumfreis, and Thomas Kirkpatrik of Closburne, his depute, as follows:—James Douglas of Drumlangrig has lately received a commission of justiciary within the bounds of Annanderdale, Nithisdale and Craufurd-Lindsay (in effect the whole of Drumfriesshire) for administering justice upon persons "suspect of thift, slauchter, murthour and utheris odious crymes." This commission has been obtained through his "prevey moyane and inoportune sute," and is "verry hurtfull and prejudiciall to the said sheriff and his deputis, in respect it is of veritie that the tryale and cognosceing upoun all crymes and offenssis specifeit and contenit in the said commissioun of justiciarie propirlie appertenis to the said sheriff," or his deputes and officers. "Lyke as he and thay hes sa deutifullie and uprichtlie dischargeit thame selffis in the executioun of thair office that hithertillis his Majestie hes not bene fasheit with ony complaint gevin in upoun thame; and the said commissioun is purposlie purchest be the said James pairtlie to cullour and cloik the wicked and mischevous deidis of sindrie of his awne men, tennentis and servandis, and utheris of his dependaris and freindship, and pairtlie to extend his malice and evill will to all these to quhome he professis evill will and inimitie; lyke as he hes alreddy, undir collour of his said commissioun, violentlie tane sindrie personis fra the place of jugement, quha wer tane reid hand in the committing of thift and convict be ane condignne assise thairupoun." Page 539.

Acta 1589-91. Therefore, the said commission should be suspended *simpliciter*.—The said Thomas appearing personally for himself and the sheriff-principal, but the said James Douglas failing to appear, the Lords ordain the said commission to be suspended.

Edinburgh, 8th May. Caution for Patrick Hamilton.

Caution in 2000 merks by Patrik Hammiltoun, son and apparent heir of James Hammiltoun of the Peill of Levingstoun, as principal, and James Cochrane of Blakcraig, as surety for him, that he will not harm David Dundas of Preistisinche.

Edinburgh, 10th May. Caution for Matthew Belsies.

Caution in £500 by Patrik Hume, fiar of Aytoun, for Mathew Belseis in Langtoun, that he will not harm George Hume, eldest son and apparent heir of the late David Hume in Dunbar, or his brothers and servants.

Edinburgh. 11th May. Caution for David Selkirk.

Caution in £500 by Robert Shaw in the Cannogait for David Selkirk there, that he will not harm Jonnett Graden, relict of James Selkirk, officer in the Cannogait, or George Fairlie, now her spouse.

Holyrood-house, 12th May.

Sederunt—REX; Dux; Cancellarius; Mar; Mortoun; Lindsay; Thesaurarius; Blantyre; Secretarius; Murdocairny; Clericus Justiciarie; Clericus Registri; Advocatus; Carmichael; Magister Petrus Young.

Inhabitants of the Burghs against Thomas Ogilvy, in the matter of a letter of marque granted to him, the exercise of which is proving detrimental to commerce.

Complaint made to the King's Majesty and Lords of Secret Council by the inhabitants of the "haill burrowis of this realme, makand mentioun that, quhair Thomas Ogilvy, merchand, burges of Dundee, allegeing that certane inhabitantis of the toun of in France, professouris of the Unioun and League callit THE HALIE LEAGUE, pilleit him of ane shippis laidning of quhyte and utheris mercheandice, hes thairupoun purchest ane letter of marque of his Hienes for melling and intrometting with the guidis and geir of quhatsumevir personis, professouris of the said Unioun and League, and, undir cullour thairof, hes alreddy intromettit with certane victuaillis and utheris guidis and geir furth of ane ship of the toun of Danskene, allegeit be him to pertene to the Duke of Florens; quhilk commissioun and letter of marque is verie generallie grantit and evill extendit aganis all personis professouris of the said Unioun, in respect thair is divers princeis and potentatis undir that League standing in freindship and confederacie with his Hienes, within quhais boundis and dominionis almaist the haill trafficquaris of this realme hes ane commoun and frequent trade and trafficque, ressaving all kynd of courtesie and humanitie of thame, and usit and intreated in all respectis as freindis and confederatis, and it is nawayes equitable that ony trew men, his Majesteis confederatis, suld be burdynnit or troublit for the misbehaviour of these quha hes professit thameselffis his Hienes enemeyis; lyke as the using of the said letter may infringe the peax and amitie standing betuix his Hienes and utheris Esteatis, quhilk espeacialie will tuiche the saidis

complenaris quha dalie wilbe subject to thair violence and injurie, quhairsoevir thay sall repair."—Charge had been given to the said Thomas to appear this day and produce the said letter of marque for consideration; and now, the burghs collectively appearing by Henry Chairterhous, Johnne Robertsoun, James Nicoll, Roger M°Naucht, and Edward Galbraith, burgesses of Edinburgh, and the said Thomas appearing and producing the said letter, the Lords ordain him to find sufficient caution to be answerable to parties interested for whatever goods he has already intromitted with or shall hereafter intromit with by virtue of the said letter, together with all costs and damages sustained by them through wrongous intromission, "and forder that he sall nocht use nor execute the said letter of marque aganis ony persone or personis in tyme cuming, except onlie aganis the inhabitantis of sic burrowis as ar specialie and expresslie mentionat thairin." Acta 1589–91. Page 540.

Caution for Nicol Paxton and Patrick Wardlaw.

Registration, by Mr Johnne M°Kgill, advocate, as procurator for the parties, of four bands, as follows:—(1) Caution by David Hume of Nynewellis for his "weil belovit freindis" Nicol Paxtoun in West Restoun and Patrik Wardlaw in the same town, in 1000 merks each, that they will not harm Sir George Hume of Primroknowis. Subscribed at Nynwellis, 1st May, before Richard Spens in Chirnesyde-manis, Johnne Hume in Kirkgait,—Johnne Horne, notary public, subscribing for the principals, "becaus we can not write." (2) Caution to the same effect in 1000 merks by George Lauder in Tunynghame for his "gude freind" George Auchincraw in Eist Restoun. Subscribed at Tynninghame, 4th May, before Mr Alexander Lauder, his brother, and Robert Shorlies and Johnne Pringle in Tunynghame. (3) Caution to the same effect in 1000 merks by Richard Spens of Chirnesyde-manis for his "weil belovitt" friend Williame Auchincraw (Craw) in Swynwode. Subscribed at Swynwode, 30th April, before Patrik Auchincraw in Swynwode, Nicol Paxtoun in West Restoun, and Johnne Horne, notary public. (4) Caution to the same effect in 1000 merks by David Hume of Nynwellis for George Rentoun of Swanfeild. Subscribed at Hundwode, 3rd May, before Patrik Wardlaw in West Restoun, Nicoll Paxtoun there, Johnne Rentoun in Auchincraw, and Gilbert Sandersoune, servant to Mr Johnne M°kgill, advocate,—John Horne, notary public, subscribing for the principal, who cannot write.

Caution for George Auchincraw.

Caution for William Auchincraw.

Caution for George Renton. Page 541.

Edinburgh, 13th May. Caution for James Somerville.

Caution in £500 by Barnard Lindsay of Grange for James Somervile of Kerswell, that James Diksoun in Quodquoun, Petir Kello there, James Kello there, Alexander Wilsoun in Coitland in Nethirtoun of Quodquoun, and the other tenants of the lands of Quodquoun, and David Girdwode in Kerswell, Williame Tarbert there, Andro Young there, Robert Watsoun there, and remanent tenants of the lands of Kerswell, shall be harmless of the said James.

Edinburgh, 14th May.

Caution by James Cunynghame, pensioner of Lesemahago, as principal, and Johnne Maxwell of Bulwrais, as surety for him, in £1000, and by the

Acta 1589–91.

said James and Johnne for Johnne Bog in Auchinquhyte, Robert Bog there, Johnne Laird, elder in Dippenny, Johnne Laird, younger there, Williame Pacok in Craiglunshoch, Johnne Hangitsyde there, Johnne Hew there, Williame Home in Newtoun, Thomas Monsoun there, Johnne Pacok in Wodend, Williame Tinkler in Manis, Johnne Tinkler there, Johnne Pacok in Burnebank, Johnne Urie in Kellochreis, Patrik Urie, his son, Johnne Slymman in Burneshank, Johnne Edward there, George Kelso in Giblestoun, Johnne Bog there, William Richie there, Johnne Richie there, Mathew Toftis in Halrig, James Patrik there, Johnne Hatrik there, James Laing in Mathirnok, Johnne Laing in Preistissyde, Alexander Fynnestoun there, Costene Denneistoun in Dubbart, James Dougall in Kilbarchan, Johnne Andro in Barnekirk, Johnne Cuthbert in Kellochwrais, and Laurence Greif in Denneistoun, in £200 each, that James, Earl of Glencarne, and Dame Margaret Campbell, his spouse, shall be harmless of the said persons. Caution for James Cunningham and others.

Registration, by Mr Thomas Mawar, advocate, as procurator for the surety, of a band of caution by Robert Cunynghame of Watterstoun for James Cuninghame, pensioner of Lesemahago, in £1000, and for Johnne Or in Syde, Johnne Morisoun in Brigend, Johnne Cordinair in Miltoun, Alexander Kelso in Wikis, James Hew in Dippennie, Johnne Hyndman in Carcurrandihill, and Johnne Or in Dippennie, in £200 each, that the said "noble" Earl and his spouse shall be harmless of them in persons, lands and woods, and especially in the wood of Duchall called the Newtoun Wode. Subscribed at Corlong, 10th May, before Johnne Lindsay in Brigend, Hew Cunynghame, "my bruther-sone," Patrik Cunynghame, and Johnne Pacok, "my servand." Caution for James Cunningham and others.

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Sederunt—Rex; Cancellarius; Mortoun; Lindsay; Ogilvy; Seytoun; Thesaurarius; Secretarius; Blantyre; Murdocairny; Coldenknowis; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Advocatus; Carmichael. Holyrood-house, 15th May.

Complaint by Johnne, Master of Forbes, as follows:—It is "nocht unknawne" how unnaturally he has been used by James Forbes of Lethindie, Robert, Prior of Monymusk, and Abraham Forbes of Blaktoun, his brothers, not only by their own misbehaviour to him, their eldest brother, but by their having instigated Williame, Lord Forbes, his father, to "dishereis him in effect of that leving quhairunto, be the lawis of God and man, he is to succeid," and by their having fostered "his said faderis malice and haitrent aganis him," and this "nochtwithstanding of the monyfauld courteseis and gude deidis ressavit be thame of the said Maister, specialie be his voluntarie consent and allowance gevin to the dismembering of his leving and dispositioun of grite portionis thairof to thame," so that they are "mair honnestlie providit upoun the auld leving of the house of Forbes" than any other brothers of that house ever were before. Not satisfied therewith, "and heiring that thair said fader had Family quarrel between the Master of Forbes and his brothers, relating to his succession to their father, Lord Forbes, now apparently dying.

contracted sum disease and seiknes, and that he wes lyand bedfast in Dundee in hasard of his lyffe," they had immediately entered his house of Drymmynnour, and spuilyied the whole moveables of the said house, with the heirship goods belonging to the complainer. "Quhairupoun the said complenair, be the speciall avise and directioun of his said fader, tuke the said house to the said Lordis use and behuif, and for withstanding of the unthankfull violence and injurie intendit be his saidis brether aganis him; and now, thai perceaving that be the want of the said house thay can not convenientlie do and undo all thingis according to the wounted maner be ouerthrawing and oppressing of the tennentis of the manis and baronie of Drymmynnour, and intrometting with the maills, fermis and dewiteis thairof," they have privily obtained letters, under the King's subscription and signet, charging the said Master and other keepers of the said house, under pain of treason, to deliver the same to the executioner of the said letters, or else to them as "haveand pouer" of the said Lord to receive it. "Quhilk letter is maist previlie and surreptiouslie purchest upoun sinister and wrang informatioun, and wranguslie used and execute aganis the said complenair, becaus the samin letters ar purchest, without the previtie, knaulege or allowance of the said Lord, be the moyane and craft of the said complenaris saidis brether, purpoislie to gett the said hous to thair awne use and behuif"; whereas, "seing the said Lord is at this point and extremitie of death, lyand deidlie seik," it is most proper that the said house should be kept by the said Master, as having the only right thereto in case of his father's decease. On these grounds he craves suspension of the said letters.—The said James and Robert, with Alexander Chalmer, messenger, executioner of the said letters, having been duly charged to appear and produce the said letters, and the complainer appearing personally, and the said Robert appearing for himself and the said James and Alexander, the Lords of Secret Council, having considered the allegations of both parties, together with the decree of date 11th January last, pronounced by his Majesty, with advice of some of his Council and of certain persons chosen by "ather of the saidis pairteis," and now produced by the said Master, ordain the said Master to deliver the said house to the said Lord or his servants in his name by the 31st May instant, and also to find caution that whatever goods the said Master intromitted with "being within the said place the tyme of his ressett thairof," or yet upon the lands of Drymmynnour at the same time, or the mails and duties of the lands of Keirne for the year 1590, shall be furthcoming to the said Lord, he first finding caution that he shall fulfil to the said Master the said decree pronounced by his Majesty.

Acta 1589-91.

Caution for John Hume.

Caution in 1000 merks by Patrik Hume, apparent of Aytoun, for Johnne Hume, his brother, that he shall answer before the Council upon 18th instant "anent sum extraordinair deidis, wrangis and injureis committit be him."

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Edinburgh, 18th May.

Caution by Williame Wallace, younger of Johnnestoun, for James

Acta 1589-91. Wobster in Drarnemis, Johnne Scott in Garvok, Johnne Wobster in Leyis and James Blakburne in Bodrikfeild, in £200 each, that James, Earl of Glencarne, and Dame Margaret Campbell, his spouse, shall be harmless of them. Caution for James Webster and others.

Registration, by Mr Johnne Russell, advocate, as procurator for the parties, of a band of caution in £2000 by Sir Thomas Kennedy of Culzeane for Thomas Kennedy of Bargany, that Archibald Boill in Tarbett and his colleagues forementioned, with their fishers and servants, shall be harmless of him (*ante*, p. 607). Subscribed at the Kirk of Daly, 8th May, before Alexander Kennedy and Adam Hog. Caution for Kennedy of Bargany.

Sederunt—Rex; Cancellarius; Mortoun; Ogilvy; Thesaurarius; Secretarius; Coldenknowis; Neuboltle; Pluscarden; Blantyre; Murdocairnie; Clericus Justiciarie; Clericus Registri; Culluthy; Carmichael. Holyrood-house, 19th May.

"Anent the charge gevin to Williame, Maister of Angus, and David Grahame of Fintrie, to have comperit personalie befoir the Kingis Majestie and Lordis of Secreit Counsaill at ane certane day bigane, to have ansuerit to sic thingis as suld have bene inquirit of thame at thair cuming, and forder to have underlyne sic ordour as suld have bene takin with thame, tending to the advancement of Godis glorie, and commoun weill and quietnes of this realme, under pane of rebellioun and putting of thame to the horn, with certificatioun to thame, and thai failyeit, utheris letters suld be direct *simpliciter* to putt thame thairto: the saidis Williame, Maister of Angus, and David Grahame of Fintrie being baith personalie present, thay wer baith dilaitit and accused that thai had declynnit fra the trew and christeane religioun, refuising to resorte to the preicheing of Godis worde, and that be ressoning or dispersing of buikis or letters thay had presumit to persuade his Majesteis subjectis to declyne fra the professioun of the trew religioun, and thairthrow had incurrit the pane of tinsale of all thair movable guidis, togidder with the lyfrentis of thair landis and levingis quhatsumevir, and in taikin thairof that thai wer excommunicat and had lyne undir the sentence thairof a lang tyme bigane, in contempt of God and of our Soverane Lordis authoritie; quhilk thai being inquirit of could not deny. The Lordis of Secreit Counsaill, thairfoir, findis, declairis and decernis that the saidis Williame, Maister of Angus, and David Grahame of Fintrie, hes incurrit the pane of tinsale of all thair movable guidis, togidder with the lyverentis of thair landis and levingis quhatsumevir, to be uptakin and imployed to his Hienes awne use, and nawayes to be disponit to the personis to be convict or fugitive for the caus foirsaid, conforme to the Act of Parliament maid thairanent." Decree against the Master of Angus and David Graham of Fintry on account of their persistence in activity against the true religion.

Mr Walter Lindsay of Balgai, having failed to appear this day and underlie "sic ordour as suld have bene tane" for the advancement of God's glory and quietness of this realm, is to be denounced rebel. To denounce Lindsay of Balgay.

Edinburgh, 20th May. Caution for William Anderson and others.

Caution by George Young, baxter, burgess of Glasgu, George Robiesoun, baxter, burgess there, and Williame Bogill in Kippo, for Williame Andirsoun in Stobcors, Niniane Andirsoun in Wodsyde, Johnne Craig in Newtoun, and Walter Gibsoun of Ovir Neutoun, in 300 merks each, that they will not harm Johnne Stewart, "ishear" depute of the King's chamber,—John Andro subscribing for Young, Robiesoun and Bogill. Acta 1589-91.

Caution for "baxteris" of Glasgow.

Registration, by Mr James Foullis, advocate, as procurator for the parties, of a band of caution by Archibald Hiegait of Cowcaldennis for Williame Hereot, deacon of the bakers of Glasgow, by Alexander Scott, baker, for Johnne Scott, baker, by Thomas Glen, baker, for Thomas Fawsyde, baker, by James Craig for Robert Young, baker, by James Huchesoun, baker, for George Robiesoun, baker, by David Hall, merchant, for Johnne Auldcorne, baker, by James Mayne, merchant, for James Auldcorne, baker, by Johnne Young, baker, for George Young, baker, and by George Young, baker, for David Landes, baker, in 300 merks each, that the said "ishear" depute shall be harmless of the said bakers, burgesses of the city of Glasgow, conform to the charge given to them by open proclamation at the market cross of the said city. Subscribed at Glasgw, 18th May, before Walter Lochheid, Robert Donnaldsoun, Mathew Young, Williame Andirsoun, burgesses of Glasgu,—Archibald Eglintoun, notary public, subscribing for Hereot, Young, Robiesoun, Auldcorne, and Landes, principals, and for Scott, Craig, Huchesoun, and Young, sureties.

Edinburgh, 21st May.

Sederunt—Cancellarius; Errole; Thesaurarius; Urquhart; Coldenknowis; Murdocairny; Neubottle; Blantyre; Clericus Justiciarie; Clericus Registri; Carmichael; Culluthie.

Report upon assays taken of the coinage, with exoneration to the officers of the cunyiehouse.

Sir Robert Melvill of Murdocairny, treasurer-depute, Walter, Prior of Blantyre, Sir Lues Bellenden of Auchnoull, justice-clerk, Mr George Young, archdeacon of St Androis, and Thomas Foullis, goldsmith, burgess of Edinburgh, having appeared and "exponit" that they had convened in the cunyiehouse within the burgh of Edinburgh upon 25th March last, and there, according to the commission given to them, opened the box containing the assays of all gold, silver and "allayed money" coined between the date of the first assay, viz., 27th April 1586 and the said 25th March, —"the pruiff of quhilkis assayis of gold, silver and allayed money being tane, and the samin tryit be the fyre and uthirwayes according to the ordour observit in sic caissis, and thaireftir comptrollit and considderit be the said Sir Robert and utheris foirsaidis being in cumpany with him," they had found "all the saidis assayis keipit the just fynnes appointit be the severall Actis and ordinances maid thairanent, and past nocht beneth the granis of remeid prescrivit in the same Actis, as alswa that the noumer of the assayis wer correspondent to the dayis jornayis mentionat in the wardanis buikis,"—the King and Council, therefore, declare that all the officers of the cunyiehouse have faithfully discharged their duty, and exonerate them accordingly. Page 545.

Acta 1589-91.

Order to denounce Edward Maxwell and a number of other Borderers for not answering a complaint of John Reddick.

Complaint by Johnne Redik of Dalbaty, as follows:—Edward Maxwell of the Hillis, Johnne Johnnestoun of Neubie, Hereis of Mabie, Richard Hereis, his son and apparent heir, Johnne, Richard and Adam Murrayis, brothers of Charlis Murray of Aikett, Watt Irwing of Robgill, George Bell, servant to the said Johnnestoun of Neubie, George Hereis in Hoddum, Harbart Maxwell in Kirktoun, Andro M^{c}Clellane, Robert Murray, servants to the said Edward Maxwell of Hillis, Edward Maxwell, apparent of Drumcoutrane, Alexander Maxwell, brother of George Maxwell of Drumcoutrane, Edward Hendirsoun, Hew Moffett, servants to Sir Robert Maxwell, Robert Hereis, brother of the late Richard Hereis of Barnbarrauch, Johnne Johnnstoun in Milfeild, Edward Johnnestoun, father-brother of the Laird of Neubie, Johnnestoun of Brume, Jok Grahame, Robert Grahame, Grahames in Medop, Mathew and David Irwingis, brothers of Irwing of Robgill, Robert Maxwell of Tour, Archibald Maxwell, younger in Cowhill, Johnne Maxwell in Duncow, Thomas Gordoun in Hillis, Johnne M^{c}Ilmorow there, Gilbert Welshe in Wodheid, Robert Stute in Lochrutoun, Johnne Selkirk at Newmyln, Johnne Miller, Andro Miller, sons of Robert Miller in Lochfute, James Currour in Holme, Johnne Neilsoun there, Johnne Clerk there, Johnne Smith in Fardingirth, David Welshe, son of Johnne of Colstoun, Fergus Germane in Spottis, with convocation of the lieges, to the number of 40 persons, "all bodin in feir of weir," had come upon 24th April last, at night, to the king's proper lands of Grange belonging to the said complainer in few, and violently spuilyied from him his "haill insicht plennessing and movablis, being within his houssis of the saidis landis, togidder with his horse, cattell, and bestiall being within the byris and stablis thairof," and thereafter demolished his whole houses and "onsettis of the saidis landis," and "threatned and compellit the said complenaris familie and houshald, as alswa his tennentis and servandis, to leave the same," and further "intendis be oppin force and violence to debar and seclude the said complenair thairfra, by all ordour of law and justice."—Charge had been given to all the foresaid persons (with the exception of Heries of Mabie, Maxwell, apparent of Drumcoltrane, Edward Henderson, Hew Moffett, Johnnestoun of Brume, Jok Graham, and Fergus Germane), to appear this day and answer; and, none of them appearing, while the complainer appears by his brother, Robert Redik, the order is to denounce them rebels.

Lady Orchardson against Alexander Kirkpatrick, her son, for her illegal detention and confinement.

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Complaint by Margaret Cairnis, Lady Orchardtoun, and Edward Maxwell of Tinwell, her spouse, for his interest, as follows:—In the time of the "lait troublis fallin oute betuix the Lord Maxwell and the Laird of Johnnestoun," her houses of Dargavell having been burnt, her goods spuilyied, and herself "cheissit fra hir awne leving," Alexander Kirkpatrik of Kirkmichael, her son, had desired her to take shelter with him "quhill sho micht peaceablie enjoy hir awne leving." Accordingly, upon his promise for his dutiful behaviour towards her, "sho come to him, lippynning for na thing les than that he suld have onywayes misbehavit

himselff to hir." But, "eftir sho had remanit ane certane space with him, be begouth be policie and craft to intyse hir to have renunceit hir haill leving in his favour; and, finding hir nawayes correspondent to his desire in that point, he committit hir to warde within ane of his chalmers, quhairin maist unnaturallie and unthankfullie he deteins hir, suffering nane to have acces to hir; within the quhilk he intendis to keip and detene hir quhill he compell hir to renunce hir said leving, and accept sic unworthie portioun thairof for hir sustentatioun as he pleissis to bestow upoun hir."—Charge having been given to the said Alexander to release the said Margaret, or else to present her this day before the King and Council, and now she and her husband appearing by Harbert Maxwell, son of the said Edward, but the said Alexander neither appearing nor having liberated her, the Lords command him once more to release her within six hours after being charged, under the pain of rebellion. Acta 1589-91.

Act anent the rebuilding of the parish kirk of Lindean, with provision respecting the churchyard.

King's letters raised by the minister, deacons and elders of the parish of Lindene set forth that, "thay and the maist part of the parrochynnaris of the said parrochin haveing convenit thameselffis, at command of his Majesteis utheris letters, for ordour-taking anent the reparatioun of thair parroche kirk, quhilk is presentlie decayit and fallin doun, and haveing sufficientlie resolvit upoun the maner and forme of the reparatioun of the said kirk, it wes found be commoun consent that the place quhair the said kirk wes of auld situat wes very incommodious for the maist parte of the saidis parrochionaris, in respect that the watter of Tuede separat the said kirk frome the maist populus parte of the said parrochin; and thairfoir it wes condiscendit unto that the said kirk suld be transported furth of the said place quhair it presentlie standis, and ane new kirk biggit upoun the north syde of Tuede, at the west end of the toun of Boldsyde, and to be beildit of the quantitie following, viz., of lx fuitis of lenth, and the syde wall thairof to be saxtene fuitis of heicht, and the gavillis effeiring thairto, and to be nameit in all tyme heireftir the kirk of Lindene, as it wes nameit of befoir,—with this provisioun, that the transporting of the said kirk suld nather alter the name thairof, nor yit be hurtfull nor prejudiciall to the vicarage, glebe, landis and mans pertening thairto, with the pertinentis appointit for the service at the said kirk, and the auld buriall place to remane quhair it is presentlie. And for repairing thairof thai have ordanit ane sufficient dyke to be biggit aboute the same; and als it wes concludit and condiscendit unto that ane coble suld be maid upoun the expenssis of the haill parrochin to bring ouer the deid to the buriall place, and to be biggit and haldin up perpetuallie be the haill parrochinaris as ane commounwele: for quhilk purpois thai have willinglie condiscendit to ane taxatioun to be collectit amangis thame. And swa, now, all thingis ar in reddines tending to the perfyteing and accomplishing of this werk, and thair restis nathing bot his Hienes authoritie to be interponit to thair procedingis in this mater."—The parishioners of the said parish having been duly warned to appear this day to represent any interests of theirs in the matter, and making no

Acta 1589-91. appearance in opposition, while the petitioners appear by Williame Ker, vicar of Lindene, their minister, the Lords ordain the said work "to be endit, perfyted and accomplissed according to the conclusioun and ordour sett doun be the speciall and cheif personis of the said parochin."

Page 547. Complaint by James Johnnstoun of that Ilk, as follows:—An assurance had been taken between Johnne, Lord Maxwell, and his friends, on the one part, and the complainer and his friends on the other part, "for the non persute of utheris unto the xi day of November nixt to cum"; which assurance "appeirandlie is lyke to be brokin and violat be the said Lord." For "it is of veritie that thair is divers commissionis purchest, upoun hoirningis usit aganis sum of the said complenaris freindis, with letters of captioun direct to the said Lord, for persute, taking and apprehending of thame, assegeing of houssis, rasing of fyre, and slaying of thame in cais resistance happynnis to be maid in thair taking," and the said Lord intends to execute the said commissions and letters of caption "with all extremitie," and for that purpose to convene his friends in arms and to repair within the complainer's bounds, and there, under colour of searching for rebels, to pursue himself and his friends, peaceable and good subjects. It is represented that the execution of such commissions ought not to be entrusted to the said Lord, in respect of the deadly feud between him and the complainer, "quhilk will move him, at the said Lordis repairing within his boundis, to convene his haill kin and freindis in armes for thair awne defens."—The complainer appearing personally, but the defender not answering to the charge to appear and produce the said commissions and letters of caption, the Lords ordain the same to be suspended. Suspension of letters of caption against friends of Johnston of that Ilk: Feud between the Maxwells and the Johnstons.

Caution in 2000 merks by David Meldrum of Segy for Mr Thomas Sandielandis, father-brother of Williame Sandielandis of Sanctmonanis, that the said Williame, Johnne Strang of Balcasky, Johnne and Thomas Strangis, his sons, Niniane Bonar of Keltie, David Strang and Florens Strang, shall be harmless of him. Caution for Mr Thomas Sandilands.

Caution in 1000 merks by Thomas Neving of Strowyhill, as principal, and Williame Dundas, apparent of Fingask, as surety, that he will not harm Eufame Bonair, relict of George Neving of Strowyhill,—Johnne Andro subscribing for the said Thomas. Caution for Niven of Strowyhill.

Caution by David Hammiltoun of Bothuilhauch for David Foullartoun of Corsbie, and Robert Henrie, his tenant, that they will not harm David Fairlie of that Ilk, or Robert Cunynghame in Burrowmiln, his tenant, under the pains contained in the letters executed against them. Caution for Fullarton of Corsbie and his tenant.

Caution in 2000 merks by David Meldrum of Segy for Mr Andro Sandelandis, father-brother of Williame Sandielands of that Ilk, that the said Williame and his colleagues in the preceding Act shall be harmless of him. Caution for Mr Andrew Sandilands.

Caution in 300 merks by Johnne Craig in Newtoun and Williame Bogill in Kippoch for Andro Youngair in Ovir Newtoun, that he will not harm Johnne Stewart, "isheair" depute of the King's chamber,—John Andro subscribing for the sureties. Caution for Andrew Younger.

Caution for the Master of Angus.

Caution in £10,000 by Alexander Guthrie, fiar of Kincaldrum, for William Douglas, eldest son of Williame, Earl of Angus, that he shall repair to Dundee within four days hereof and depart furth of this realme within 40 days thereafter, and that he shall not return again without the King's licence (*ante*, p. 609). Acta 1589-91. Page 548.

Falkland, 24th May. Kirkpatrick of Closeburn against Douglas of Drumlanrig: Dispute as to jurisdiction.

Charge had been given by Thomas Kirkpatrik of Closburne, sheriff-depute of Drumfreis, to Sir James Douglas of Drumlangrig to answer before the Secret Council to a complaint "tuicheing the said James cuming with convocatioun of his Hienes liegis in armour upoun the xxvii day of Marche last bipast to the toun and landis of Penpont, quhair the said Thomas, with his members of courte, were sitting in jugement in ane fensit courte haldin be him, and violent taking away of Johnne Wilsoun in Halgill furth of the said courte, eftir he wes enterit upoun pannell and reddy to have undirlyne the tryale of ane assise for certane crymes of thift committit be him." Both parties appearing personally, and Sir James having denied the charge of convocation-making, and asserted that, "as baillie of the regalitie of Mortoun, within the quhilk the said Johnne Wilsoun duelt for the tyme," he had gone peaceably to the said court and repledged him from the said Thomas's jurisdiction to his own judgment, and Thomas having replied that Sir James was discharged of the said office of bailiary by a decree given before the Lords of Council and Session prior to the taking of the said Johnne, his Majesty remits the part of the complaint touching the making of convocation to be tried before the proper judges, and admits the said reply to the said Thomas's probation, assigning to him the 22nd June next for the purpose, and ordaining the Clerk of Register to extract and deliver to the said Thomas the said decree. Moreover, because of the said Sir James's "informalitie and extraordinair proceding" in taking the said Johnne Wilsoun out of court in manner foresaid, his Majesty suspends him from using the said office of bailiary till it be tried whether he ought to be denuded of the same or not.

Edinburgh, 24th May. Proclamation against Ninian Chirnside, retainer of Earl Bothwell.

Niniane Chirnesyde, servitor to Frances, Earl Bothuill, who had, with others, "tressonablie conspirit the death of oure Soverane Lord be witchecraft, sorcerie and utheris traturous and diabolicall meanis" (*ante*, p. 610), having been lately denounced rebel for not appearing to take his trial for the same (*ante*, p. 614), proclamation of the fact is ordered at the market crosses of the head burghs, with command to the officers and ministers of the law and other lieges to apprehend the said Niniane and to bring him before the King and Council; his Majesty "not doubting thairfoir bot that all his Hienes subjectis quhilkis hes ony affectioun to his Majestie will now kyith the same in gude effect for the bettir preservatioun of his Hienes persone, croun and estate." Persons impeding this ordinance, or resetting or intercommuning with the said rebel, are to be held as art and part with him, and there is to be thankful indemnity for apprehending and slaying him to death in case he shall refuse to be Page 549.

Acta 1589-91. captured, and for all other injuries committed in the execution of these presents.

Charge to Hercules Stewart and another for having executed a person without authority.

The King and Council, understanding that Purdy was executed upon instant by Hercules Stewart of , and Hammiltoun, younger of Sammelstoun, "without tryale of ane assise, pouer or commissioun had of his Majestie to this effect, or ony uthir ordinair or lauchfull forme of proces preceding, or jugement usit of befoir, be ony of his Majesteis officiaris and magistratis," ordain the said persons to appear and answer upon 4th June next "for thair proude contempt foirsaid."

Edinburgh, 26th May.

Sederunt—Cancellarius; Orknay; Urquhart; Coldenknowis; Neubottle; Murdocairnie; Clericus Registri; Clericus Justiciarie; Barnbarroch; Magister Petrus Young.

Order to denounce Robert Jackson, burgess of Dundee, for not appearing to answer a charge of assault on an Englishman.

Complaint by Williame Milburne, servant to Mr Williame Cravin, merchant in Lundone, as follows:—Upon 14th April last, he "being at the Senzie fair of Sanctandrois during his lesum effearis," Robert Jaksoun, burgess of Dundee, had come to him and inquired "giff he wes ane Englishman." Complainer having admitted "that swa he wes," the said Jaksoun "not onlie injurit him maist maliciouslie be strykeing up of his chin with his hand and hurting thairby of his toung and mouth, bot als utterit verie mony disdanefull and contumelious speichis aganis the said complenair and his cuntrey, and maid to stryke him with ane quhinzeair,"—indeed would have slain him had he not been stayed by "sic honnest men as wer present for the tyme." These having conveyed away the complainer, the said Jaksoun, "undir pretens to mak the said complenair amendis for the fault he maid," had sent to him Robert Weddirburne, younger, burgess of Dundee, "or at the leist the said Robert come of his awne heid, and desirit the said complenair to be content to accept amendis for the injurie committit be the said Robert Jaksoun, quhome he suld caus cum to Charlis Watsonis house in Sanctandrois, and mak the same to him at his plesour." But, the complainer having yielded to the proposal "and being sitting in the said house," the said Jaksoun "come on him agane within the said house, and, insteid of making the said complenair ane mendis for his fault, presentit ane drawne quhinzeaire and ane bendit pistollett, mynding to have schote the said complenair throw the body thairwith,"—which he would have done had he not been prevented by those present. Moreover, "immediatlie thiareftir, the said complenaris hors being leiding in his boyis hand towardis him to sic pairt as he appointit him, he being in reddines to depairt of the toun, the said Robert Weddirburne, youngair, tuke the said hors, being quhyte in cullour, worth twa hundreth merkis, fra the said complenaris said servand be force and violence, and, carying him a litle space in his hand, the said Robert Jaksoun come and tuke him agane, or at the leist the said Robert Weddirburne deliverit him in the handis of Robert Jaksoun, quha lapt on and raid away with him oute at the toun end of Sanctandrois, in presens of

sindrie honnest men of Dundee and utheris, quha professit the said com- Acta 1589-91.
plenair freindship, and yit maid na impediment thairto, committing thairthrow maist oppin and manifest reiff and oppressioun upoun the said complenair, being a strangeair repairing heir be his Majesteis licence and Page 550.
conduct."—Robert Jaksoun, not appearing this day, as charged, to answer the complaint, while the complainer appears personally, is to be denounced rebel.

Suspension of letters of treason raised against Grant of Freuchy by the Earl of Huntly.

Complaint by Johnne Grant of Freuchie, as follows:—George, Earl of Huntlie, alleging that the complainer had been denounced rebel at his instance for not finding caution for his appearance before the Justice the third day of the next justice aire of the shire where he dwells, to underlie the law for the slaughter of Johnne Gordoun of Birsmoir, and for not finding caution for the indemnity of the said Earl and his men, has obtained letters, in his own name and in the name of Sir Thomas Lyoun of Auldbar, treasurer, and Sir Robert Melvill of Murdocairny, treasurer-depute, and therewith caused charge the complainer and the keepers of his houses of Ballachastell, Abirnethie, and other places, under pain of treason, to deliver the same to Robsoun, messenger, executioner of the said letters, and also to enter his person in ward in the Castle of , and remain therein till he has fulfilled the command of the said letters and obtained relaxation from the horn. Now, the said letters of treason are, the complainer alleges, wrongously executed against him, because, long before the same were raised, he had found Johnne Campbell of Caddell surety for his appearance to answer for the slaughter of the said Johnne, and because he has also found caution to observe and keep the King's peace and not trouble any of the lieges, under a penalty of £10,000,—"upoun the finding of the quhilkis," and for other good reasons, the complainer had obtained orderly relaxation from the horn. Therefore, he pleads, the said letters of treason should be suspended *simpliciter*.—Charge having been given to the Earl of Huntlie, and also to the treasurer and his depute, and to the said messenger, to appear and produce the said letters, and none of them appearing, while the complainer appears by James Grant, his brother and procurator, the Lords do suspend the letters.

Suspension of letters of horning raised against the said Laird of Grant by the same Earl.

Further petition by the same Johnne Grant of Freuchy:—The said Earl Page 551.
of Huntley, having lately obtained the said two letters, one of them charging him to find surety for the indemnity of the Earl, his tenants and servants, under the penalty of 5000 merks, and the other, to find caution for his appearance before the Justice, as before mentioned, to answer for the slaughter of Johnne Gordoun of Birsmoir, under the pain of £5000, intends, in case of his disobedience, to put him to the horn. Now, the complainer, as above mentioned, has already, in obedience to an Act of the Council previously made, found surety that he, and those for whom he is bound by the general band, shall keep good rule in the country and not molest any of the lieges, under a penalty of £10,000; and, this caution being general,—"extendit not onlie to the said Erll, his tennentis and servandis, bot to all utheris his Majesteis gude subjectis,"—the special

Acta 1589-91. caution demanded by the Earl for himself and his dependents is quite unnecessary, inasmuch as, if they have any injury from the complainer, "thay have gude actioun aganis him and his cautionair for the pane contenit in the said Act." The complainer, he submits, "aucht not to be burdynnit with the finding of double cautioun for ane caus"; but, "giff it salbe the will and plesure of his Majestie and the saidis Lordis that he find cautioun of new, conforme to the foirsaid charge," he is content to do so, "the former cautionair and act maid thairupoun being alwayes dischargeit." So much for one of the letters; and, as the complainer has moreover found caution to answer before the Justice for the slaughter of the said Johnne Gordoun, "swa in that point" likewise he has given all necessary obedience. Both the said letters, therefore, should be suspended. —The Earl not appearing in this matter either, while the complainer appears as before, the Lords do suspend the letters.

Further petition of inhabitants of the burghs against Thomas Ogilvy: his letter of marque to be null henceforth.

Supplication by the Burghs of the Realm collectively, as follows:— Thomas Ogilvy, burgess of Dundee, had been lately ordained to find sufficient caution that the victual and other goods taken by him out of a ship belonging to certain inhabitants of the town of Danskine—"quhairof thair is a pairt presentlie arreistit in ane ship lyand within the harborie of Dundee,"—should be furthcoming to all having right thereto, and also that he would pay all damages and expenses sustained by his wrongous
Page 552. intromission with the said goods (*ante*, p. 615). Nevertheless, he has not yet found the said surety, "nather intendis he to find souirtie at ony tyme," but either "to latt the said victuall and guidis remane in the handis of the magistratis of Dundee, be quhome, be his Hienes letters, the same ar arreisted, and swa to bring thame in dangeir of the lawis as thocht thai had bene the pillearis of the saidis guidis," or else "to purches deliverie to him selff of the same guidis be sum prevey letter or charge to be purchest of his Hienes." Further, it is still his intention to execute the letter of marque granted to him against all professors of the Union and Holy League without distinction, "as giff they wer all indifferentlie professit enemeyis to this natioun, howbeit, as his Majestie and the saidis Lordis knawis, thair is few or nane bot that stand presentlie in gude freindship with his Majestie and this haill cuntrey; lyke as on thair pairt thay have utterit, and at all tymes utteris, signis of freindship and humanitie to the saidis complenaris, and cheiflie the inhabitantis of the said toun of Danskene,—quhome giff the saidis complenaris suld requite be this kynd of doing, his Majestie may considder quhat inconvenient will fall oute, alsweill to the saidis complenaris in particulair that ar traffic-quaris as to this haill natioun, seing thairby not onlie sall thair tred in thai pairtis be cutt of, bot a cruell wear salbe denunceit aganis his Majestie and all his Hienes subjectis, to the bringing on of mony inconvenientis; quhilk is nocht his Majesteis meaning, that for the particulair of ane persone, interest be the misbehaviour of certane prevey personis of ane uther natioun, his Majestie will tak on a weare aganis all personis indifferentlie of the League, thay nocht approvand the fact done to the hurte of the said

Thomas or ony utheris his Hienes subjectis. Attour, besydis libertie grantit to him be the said letter of marque to persew all professouris of the said League in generall, the lyke libertie is grantit aganis the haill inhabitantis of certane townis particularlie nominat thairin within the realme of France, quhairof thair is sum that of lait hes randerit thair obedience to the present King of France, and the remanent luiked for to do the lyke; aganis quhome, gude freindship and nichtbourheid being presentlie standing betuix his Majestie and him, it is nawise his Hienes meaning that ony thing suld be done to the prejudice of the samin, alwayes seing na sic letters of marque aucht to be grantit without gude advise and deliberatioun of the haill Esteatis, quhilk in this cais hes not bene observit." The prayer therefore is that the King and Council "wald declair the said letter of marque to be null."—Charge had been given to the said Thomas Ogilvy to appear; and, he making no appearance, while the inhabitants of the burghs are represented by Mr James Johnnestoun, one of the bailies of Edinburgh, and Thomas Traill, burgess of Dundee, the Lords decern the said letter of marque to be null hereafter. Acta 1589-91.

Edinburgh, 27th May. Caution for Crichton of Innernytie.

Caution in 1000 merks by Alexander Blair of Bagra for Robert Creichtoun of Innernytie, that he will not harm Margaret Craig, spouse of the late Donald Brysoun, sometime at the Miln of Innernytie.

Edinburgh, 28th May. Petition of the presbytery of Tain for certain bells in the possession of the Abbot of Fearn.

Petition by the commissioners of Ros and ministers within the presbytery of Tayne:—"Maist pairt of the kirkis within the said presbiterie, as namelie the kirkis of Tarbett and Nig, ar presentlie destitute of bellis; and thair is three bellis within the abbay kirk of Ferne, quhilkis Thomas, Abbott of Ferne, intendis to sell and putt away; and it is maist necessar that the same bellis be appointit and placeit in the speciall kirkis of the said presbiterie."—Charge had been given to the said Abbot to deliver the bells in question to the complainers within ten days after being charged, or else to appear and show cause to the contrary; and, the petitioners appearing by James Mowatt, their procurator, but the Abbot not appearing, the Lords ordain the said abbot, "yit as of befoir," to deliver the said bells within ten days after this charge, under pain of rebellion. Page 553.

Suspension of letters of horning obtained by the Earl Marischal against Lord Altrie.

Complaint by Robert, Lord Altrie, as follows:—George, Earl of Mairshell, has, in virtue of general letters, charged the said Lord to pay him £171, 14s. 10d., for the temporal lands of the lordship of Altree, together with the sum of £30 for the lands of Aden, Conyeik, Crechie and Auchindonald, for the said Earl's relief of his part of the taxation of £100,000 granted by the Estates "for the actioun of his Hienes marriage," within a certain time after the charge, under the pain of rebellion (*ante*, p. 269); and the officer appointed to execute the said letters intends to denounce the complainer rebel for non-obedience. Now, the said letters are general, not specifying what relief the said Earl should have, for what lands, or what sum per poundland; "nather ar thai rased in his awne name, nor at his awne instance, and thairfoir aucht nocht to

Acta 1589-91. be putt to executioun in his name, nor yit for his releiff, except he wer troublit and chargeit in speciall with the payment of this pairt of the said taxt for the said lordship, or that he had maid pament thairof, quhilk is nocht done. Nather wes he chargeit with the payment of ony pairt of the said taxt, bot, be ressoun of his awne travell, tane in the said actioun of his Majesteis marriage, *simpliciter* dischargeit of all pament of ony pairt of the same taxt. And, gevand the said Erll had bene chargeit thairwith, as he is nocht, yit the said Lord aucht nawise to be chargeit for his releiff thairof for the temporall landis of the said lordship of Altree, for the ressonis following:—first, becaus na mentioun is maid of ony certane landis, and swa the said complenair is uncertane quhat to pay, as said is; secundlie, the saidis landis of the lordship of Altree ar nocht yit retourit to the just avale, and unto the tyme the samin be retourit the said Lord aucht nocht to be chargeit for the said Erllis releiff, and, gevand the saidis landis wer retourit, as thai ar nocht, yit suld the said complenair nawayes be chargeit with the pament of the said soume, nor ony uthir soume for the said Erllis releiff, bot, be the contrair, the said Erll suld be chargeit to mak payment to the said complener for his releiff of his pairt of the same taxt for the said lordship, be ressoun, be the expres wordis of the generall Act and letters rased thairupoun anent the said taxt, all vassallis, subvassallis, conjunctfearis and lyverentaris ar astricted in pament of thair pairtis *pro rata* for releiff of the baronis and freehaldaris. And trew it is that the said complenair haldis not the said lordship nor ony pairt thairof of the said Erll, nather is the said Erll superiour to him, bot, be the contrair, befoir the erecting of the same in ane temporall lordship, the said Erll held the same of the said Lord, and thairfoir is obleist for his releiff of the said taxt, bot cheiflie becaus he hes the rasing and setting thairof, and the said complenair onlie the auld rentaill few dewitie, and the said erectioun wes maid but prejudice alwayes of the fewaris richtis of the samin. And, as for the baronie of Aden, within the quhilk the saidis landis of Conzeik, Crechie and Auchindonald lyis, the same is retourit onlie to xliii lib. land or thairby, quhairof the said Lordis pairt will extend onlie to the soume of ten pundis, becaus sa fer as is occupiit be him in effect is bot a tent pairt of the said baronie; quhilk soume the said complener hes consignit in the handis of Archibald Primrois, collector generall of the said taxt, and forder hes found cautioun for pament of quhatsumevir utheris soumes salbe fundin and declairit be the Lordis of Secreit Counsaill he aucht to pay to the said Erll for his releiff." On these grounds, it is submitted, the said letters ought to be suspended *simpliciter*.—Charge having been given to the said Earl, and to Williame Mure, messenger, to appear and

Page 554. answer, and the complainer appearing personally, and the said Earl by Mr James Wardlaw, his procurator, the Lords, with consent of the said Mr James, do suspend the letters, and also ordain the said sum of £10 consigned in the hands of the said collector general to be returned to the complainer.

Caution in 500 merks by James Ramsay, portioner of Rynd, as princi-

Caution for James Ramsay.

pal, and Robert Bruce of Pitlethie, as surety for him, that he will not harm Michael Ramsay at the north ferry of Portincraig. Acta 1589-91.

Edinburgh, 29th May. Caution for certain Hamiltons.

Caution by Robert Hammiltoun, apparent of Goslintoun (Newtoun), for Thomas Hammiltoun in Edeistoun, Johnne Hammiltoun, his son, James Hammiltoun of Tuediesyde (Tuesyde), Johnne Hammiltoun in Langrig, Alexander and Johnne Hammiltonis, his sons, in 300 merks each, that Johnne Jaksoun in Goslintoun, Allane and Thomas Jaksonis, his brothers, Allane Jaksoun in Stanehous, and Mathew Jaksoun, shall be harmless of the said persons.

Caution for Thomas Brown and others.

Caution to the same effect by James Weir of Blaikwode for Thomas Broun in Kipsyde, Thomas Broun, his brother, Thomas Cuthbert in Evindra, and James Cuthbert in Chappell, in 300 merks each.

Caution for Marjorie Edmeston and James Gibson.

Caution by Grahame of Knokdoleane for Marjorie Edmestoun, relict of Mungo Grahame of Rathernis, in 100 merks, and for James Gibsoun in Rahalloch, in 300 merks, that Henrie Stirling of Ardoch, Andro M°Ilroy in Dallachclewne, Johnne Adie there, Thomas Reid there, Johnne Neill there, Robert Neill there, Henry Fleming in Ovir Ardoch, Johnne Neilsoun there, Donald Donnaldsoun there, Johnne Quhyte there, Andro Donnaldsoun there, George Miller there, Thomas Miller there, Andro Fechna in Nethir Ardoch, Robert Bryce there, Patrik Patersoun there, and the other tenants of the lands of Dallachclewne, Ovir and Nethir Ardoch, shall be harmless of the said Marjorie and James.

Edinburgh, 31st May. Band for Isobell Lauder.

Registration, by Robert Ramsay of Wyliecleuch for himself, and by Mr Johnne Moscrop, advocate, as procurator for the other surety, of a band of caution in £1000, by the said Robert, and Williame Lauder, burgess of Glasgu, for Issobell Lauder, relict of Gilbert Lauder of Quhitsled, that she shall not reset or intercommune with Johnne Hoppringle of Murhous, George Hoppringle, his son, Johnne Watsoun, his servant, Williame Spottiswode of that Ilk, Gawine Hardie and Thomas Ruthirfurde, his servants, Williame Spottiswode, his father-brother, George Halden of that Ilk, Johnne Halden, his brother, James Hunter of Haitburne, Williame Lauder of Quhitsled, James and Thomas Lauderis, his brothers, who are at the horn for non-appearance to underlie the laws before the Justice for the slaughter of David Tailliour, servant to George Hoppringle of Torwodlie. Mr Johnne Prestoun, advocate, is appointed co-procurator for registering the band; which is subscribed at Edinburgh and Kelso, 27th and 29th May, before James Bennett, "clerk of his Majesteis equirie," James Primrois, Johnne Lauder, son-in-law of the said Williame Lauder, Johnne Lauder and Williame Leithane, his servants, and Williame Tait, notary. Page 555.

Reg. Sec. Con. Acta 1591-94. Page 1.

Caution by Robert Colvile of Cleische for Henry Sterling of Ardoch in 1000 merks, and for Andro M^cIlroy in Dallochlewne, elder, Andro M^cIlroy, his son, Thomas Reid there, Johnne Adie there, Johnne Neill there, Robert Neill, Andro Fechno in Nethir Ardoch, Robert Bryce there, Patrik Patersoun there, Johnne Eilsoun in Over Ardoch, Henry Flemyng there, Johnne Quhyte there, Donald Donaldsoun there, Andro Donaldsoun there, Thomas Miller there, George Miller there, Johnne Clow there, Johnne Menteith there, James Menteith in the Mure, and Andro Kynnard there, in 300 merks each, that they will not harm Marjorie Edmestoun, relict of Mongo Grahame of Rathernis, or George Grahame, his son. Edinburgh, 1st June. Caution for Henry Stirling and others.

Caution in £500 by James Lokhart of Ley for George Boyd, vicar of Ardrossane, that Archibald Boyll in Tarbett and those conjoined with him in former Acts, with the other boatmen and fishers of herring in the west sea mentioned there, shall be harmless of him (*ante*, p. 607). Caution for George Boyd.

Caution by Andro Wod of Largo for Johnne Strang, elder of Balcasky, Johnne Strang, younger, his son, Florens Strang, David Strang in Pettinweyme, Thomas Strang, son to the said Johnne, elder, that they will not harm Mr Thomas Sandelandis, father-brother to Williame Sandelandis of Sanctmonanis, under the pains in the letters raised against them. Caution for John Strang and others.

Caution in £500 by Williame Cunynghame of Caprintoun, as principal, and George Campbell, his servant, as surety for him, that he will not harm Archibald Boyll in Tarbett and those conjoined with him (*ante*, p. 607). Caution for Cunningham of Caprington.

Caution in £200 by Mr James Hammiltoun of Neillisland and Archibald Hammiltoun of Nethirfeilddyke for Johnne Hammiltoun in Nethirfeildyke, that he will not harm Robert Hammiltoun in Overtoun, or Thomas Hammiltoun, his brother,—John Andro subscribing for the principal. Edinburgh, 4th June. Caution for John Hamilton.

Page 2.

Caution in 2000 merks by Niniane Bonar of Keltie for Williame Sandelandis of Sanctmonanis, that he will not harm Mr Thomas Sandelandis, son of the late Sandelandis of Sanctmonanis. Edinburgh, 5th June. Caution for Sandilands of St Monance.

Caution in 500 merks by Richert Hammiltoun in the Nes, as principal, and Mr James Hammiltoun of Neillisland, as surety for him, that he will not harm Johnne Leverance in Burroustoun. Caution for Richard Hamilton.

Sederunt—Rex; Cancellarius; Lindesay; Newbottill; Spynie; Clericus Justiciarie; Coldenknowis; Secretarius; Clericus Registri; Computorum Rotulator; Carmichaell; Elimosinarius. Edinburgh, 8th June.

Complaint by Thomas Montgomery, Thomas Wallace, James Aikman, Johnne Dowgall, David Neilsoun, and George Denis, messengers, as follows:—The Lyon King of Arms and his brother heralds have lately, Complaint by certain messengers of

arms that they have been wrongfully deponed from their offices.

without cause, deprived the said complainers of their offices, "albeit thay ar of the eldest admittit messingeris dwelland within the sherefdomes of Edinburgh, constabularie of Hadingtoun and Air, and hes maist uprychtlie and honestlie servit in thair offices without offence; lyke as the foirsaidis personis hes admittit certane unskilfull personis within the saidis sherefdomes, inferior to the saidis complenaris in knawlege and qualificatioun, and posterior in admissioun, and that for payment of the sowme of payit and to be payit be thame and all utheris newlie admittit," as a general band made and subscribed by the defenders at more length bears. "And swa thay think to debar" the complainers from their offices, because they would not consent to "use extorsioun and bryberie." Wherefore, the sentence of deprivation against them ought to be suspended *simpliciter*.—Charge having been given to Sir David Lindesay of Rathuliet, Lyon King of Arms, Johnne Purdy, his clerk, Thomas Lindesay, Snowdon herald, and Johnne Foirman, Rothesay herald, to appear and answer, and Montgomery, Wallace and Neilsoun appearing for themselves and their colleagues, and David Lindesay of the Mont, Ilay herald, Thomas Lindesay, Johnne Foirman, and Johnne Purdy, being also present, his Majesty, with advice of his Council, remits this matter to the commissioners appointed to take order with officers of arms, "specialie mentionat in his Hienes Act of Parliament," requiring them to dispose of the complaint as soon as may be. Acta 1591–94.

To denounce Robert Kirlie and his father for not answering a complaint of the wife of the former.

Complaint by Elspet Marschell, spouse of Robert Kirlie, son of Robert Kirlie in Paslay, as follows:—After the decease of her father, when she had no one to advise her for her interest, she had been "craftelie seduceit and persuadit, being ane young ignorant woman, be the said Robert to tak his said sone to hir husband," he having given her to understand that his son would succeed to divers houses and lands, and that she would be honestly entertained in all respects. Having accepted the said younger Robert as her husband, she had delivered to him and his father 600 merks "left to hir in tochir gude be hir said umquhile fader," looking for the fulfilling of all things promised between them. But, after having received the said sum and when she had been a short time in their company, her husband, persuaded by his father, had repudiated her, and both, breaking their promises, had disponed of her tocher and removed her from their society, refusing her lodging and allowing her nothing for her support, "scho having committit na cryme nor offence aganis thame, nayther be the abusing of hir body nor misusing thame be language." By their shameful conduct she is "put to beg her meit; quhairupoun, quhen scho divers tymes schew unto thame that scho wald meane hir self unto his Hienes, thay not onlie mokked hir, bot utterit maist dispytefull and undecent language, altogidder to the contempt of his Majestie, allegeing that his Majestie wes not accustumat to heir the complaintis of the puyr, and that scho sould nayther get law nor ressoun of thame."—The complainer appears personally; but, neither her husband nor his father appearing, the Lords ordain them to be denounced rebels. Page 3.

Acta 1591–94.

Caution by Henry Kincaid of Auchinreoch, as principal, and George Winrame, portioner of Over Gogar, as surety for him, in £1000, and by the said Henry and George for Johnne Kincaid, son of the said Henry, in 500 merks, that Robert Sympill of Toronith and Mathow Fawlasdaill, bailies of Dunbartane, Mr Williame Houstoun, common clerk thereof, and the other inhabitants of the said town, shall be harmless of the said persons. Caution for Henry and John Kincaid.

Caution in £1000 by Williame Drummond of Balleclone and Johnne Bonar of Culcouchair for Niniane Bonair of Keltie, that he will not harm Mr Thomas Sandelandis, father-brother of the Laird of Sanctmonanis. Edinburgh, 9th June. Caution for Bonar of Keltie.

Caution in 300 merks by Williame Blair, fiar of Almerland, and James Maxwell, portioner of Auchtermuchtie, for Bessy Stirk, relict of Patrik Maxwell in Auchtermuchtie, that she will not harm Johnne Bonar, brother of Williame Bonar of Rossie,—John Andro subscribing for Maxwell. Edinburgh, 10th June. Caution for Bessie Stirk.

Registration, by Johnne M^{c}Quhirrie, burgess of Edinburgh, of a band by which he becomes surety for Johnne Hume, son of Williame Hume of Aytoun, and Williame Craw in Swynwod, that by 15th July next they shall deliver to George Hume of Spot "ane palyeoun, with the haill ornamentis thairof," as good as the palyeon which was "cuttit" to the said George upon the common of Horslie in the month of last, or else pay him, on the said day, 350 merks, being the price at which said palyeon is valued "be the ayth of the persoun quha maid the same." Patrik Hume, younger of Aytoun, George Craw of Eist Restoun, Nicoll Paxtoun in West Restoun, and Alexander Hume of Peilheuch, become cautioners in relief. Subscribed at Edinburgh, 11th June, before James Prymrois and George Tod. Edinburgh, 11th June. Band for John Hume and William Craw.

Page 4.

Caution by James Cochrane of Ogilface and James Douglas of Clappertoun in 2000 merks for Patrik Hammiltoun, son of James Hammiltoun of the Peill of Levingstoun, that he will not harm Dame Jehane Hammiltoun, Lady Eglintoun. Caution for Patrick Hamilton.

Caution by James Lokhart, younger of Ley, for James Jaksoun, and Thomas Jaksoun, his brother, in 300 merks each, that Johnne Craig in Goslingtoun, and Johnne and Robert Craigis, his brothers, shall be harmless of them. Edinburgh, 15th June. Caution for James and Thomas Jackson.

Sederunt—Cancellarius; Coldenknowis; Murdocairny; Clericus Justiciarie; Clericus Registri; Barnbarroch; Colluthy; Magister Petrus Young. Edinburgh, 16th June.

Complaint by George Wardlaw, bailie of Montrois, as follows:—Henry Erskin, brother of the Laird of Dun, having lately slain James Greg, Order to denounce

William Guthrie and David Guthrie, on a complaint of George Wardlaw, bailie of Montrose.

burgess of the said burgh, the said bailie, by virtue of his office, had required the inhabitants of Montrois to assist him in apprehending the said Henry, then within the burgh. They refused to assist him, and so Henry escaped, "to the greit contempt of his Hienes." Whereupon, the kin and friends of the deceased had raised letters against the complainer, charging him to take and present Henry before the Justice; "quhilk being ane impossibilitie to him" without assistance, he had again requested, among others, Williame Guthrie and David Guthrie, his brother-burgesses to give such assistance. Not only had they refused to comply, "bot, eftir mony injurious and dispytfull specheis utterit aganis him, thay convocat thair haill kin, freindis, and allya in armes, and maist awfullie invadit and persewit him of his lyff, hurt and woundit him in divers pairtis of his body, to the effusioun of his blude in greit quantitie, and had not faillit, maist shamefullie, to have slayne him for the lauchfull executioun of his office, wer not, be the providence of God and help of sum nychbouris, he gat entres within his awin hous. And, not satisfeit thairwith, thay, assisted be , toun clerk of the said burgh, dalie as yit lyis at await for the said baillies slauchter."—Charge having been given to the said Williame and David to appear and answer, and neither appearing, while the complainer appears personally, the Lords ordain them to be denounced rebels. Acta 1591–94.

Order to denounce Alexander Lauder and others.

Complaint by Mr James Borthuik of Lochill, as follows:—Upon 1st instant Sir Williame Lawder of Haltoun, or at least Alexander Lawder, his servant, Robert Lawder, son of the said Alexander, and Johnne Douglas, came, at 12 hours at even, to the complainer's lands of Hilderstoun, "and schamefullie and barbarouslie hocht and menyeit sevin oxin liand in his fauld," and immediately afterwards went to Haltoun, where they were reset by the said Sir Williame, who knew that they committed the said deed; "quhairby it is evident, and he can not deny, bot that he wes art and pairt, and upoun the counsall and devyse thairof, especiallie in respect of the monyfauld injuires, oppin and manifest oppressionis committit be him of befoir upoun the said complenar."—Charge having been given to the said Alexander, Robert, and Johnne to appear and answer, and none of them appearing, while the complainer appears personally, the Lords ordain them to be denounced rebels. Page 5.

James Wood against Alexander Lawson: in the matter of the recent impost for the entertainment of the Danish strangers.

Complaint by James Wod of Lambylethame, as follows:—He has lately been charged by Richert Leverance, messenger, to pay to Alexander Lawsoun £200, for his part of the voluntary contribution "for ane part of the expenssis and furnissing of the houssis quhilkis wer kepit to the strangearis, victualling of thair schippis, and upoun sum propynis of jowellis and goldsmyth werk that wes given to thame at thair depairture" (*ante*, p. 484, footnote); and it is intended, if he disobeys, to put him to the horn. Now, the said letters have been privily obtained by some persons "quha intendis to mak thair awin prevat gayne and commoditie thairof, and nawayis to convert the same to the use foirsaid." This is evident from the fact that more money has been already collected than the

Acta 1591–94.

creditors will require; "and this contributioun is na wayis voluntarie, becaus the said complenar wes nevir warnit nor consentit thairto; nayther could ony sic sowme be imposit upoun him without his awne consent, or be a generall taxatioun appointit to be collectit of the haill cuntre."—The complainer appearing by Andro Clerk, his procurator, and the said Alexander for himself and for the said Richert, the Lords ordain the complainer to pay £100 only.

To denounce George Ford and others, on a complaint of Bartholomew Waddell, messenger

Complaint by Barthilmo Weddell in Blyith and Tymothe Frank, messenger, for his interest, as follows:—In the action pursued by the said Barthilmo before the Lords of Council and Session against George Furde in Blaikisludge, "tuicheing the spoliatioun and awaytaking fra him of xl yowis and sevin lambis," the said Lords, upon 16th January last, had decerned the said George to pay to the complainer £20 in full satisfaction of the "saidis lambis and proffeittis thairiof"; whereupon he had raised letters for poinding the said George's goods; "be vertew of the quhilkis letters the said messinger past, upoun the xi day of Maii last bipast, to the landis of Blaikisludge, and apprehendit ane brandit kow with hir followair, and ane blak kow with hir followar," with the purpose of poinding and apprising the same. Then, he "having the same gudis befoir him reddy to have bene comprysit, lippynning for na violence nor impediment of ony personis," the said George, accompanied by Williame Furde, his son, Niniane Edzare in Racleuch, Edward Romannos there, and Williame Spottiswod, with their accomplices, to the number of 26 persons in arms, "violentlie reft the saidis gudis fra him eftir thay had persewit him and his witnessis of thair lyvis, and thairby deforceit him in the executioun of his office."—The complainer appearing personally, but the persons complained of failing to appear, the Lords ordain them to be denounced rebels.

Protest for Alexander Lawson: matter of the impost for the Danish strangers.

Alexander Lawsoun, appearing before the Council, gives in a copy of the letters raised by David Balfour of Kirktoun by which he had been commanded to produce other letters charging the said David to pay 200 merks for his part of the "contributioun imposit upoun him for the expenssis and upoun the intertenyment of the strangearis," in order to the suspension of the same; and, the said David not appearing, the said Alexander protests, in respect of his absence, that the foresaid letters against the said David "mycht be decernit to be put to forder executioun." The Lords admit the protest, but for payment of £100 only, and ordain accordingly.

Page 6.

Alexander Lawson against Ker of Littleden, in the matter of Ker's debt for the entertaining of the Danish ambassadors.

Suit at the instance of Alexander Lawson, receiver of the contribution for "intertenyment of the Dens commissionaris," as follows:—The sum of £80 being due to Alexander Dowglas, as balance for "furnissing maid to the Dens ambassadouris and commissionaris quhilkis arryvit with his Majestie," the said Douglas had procured the King's precept, directed to Walter Ker of Litilden, for paying him £200, "allegeit awand to him," as is proved by his precept, "contening a discharge to the said Walter of the sowme of ane uther hundreth pundis," owing by the said Walter for his part of the said contribution. "Quhilk precept is craftelie and

surreptitiouslie purchest of his Majestie be the said Alexander Dowglass," Acta 1591-94. to whom there is due only the said £80, which the complainer is willing to pay him out of the said total sum of £300 due by the said Walter; "for not payment of the quhilk thre hundreth pundis to the said Alexander Lawsoun the said Walter Ker is denunceit rebell and put to the horne, and hes remanit thereat this lang tyme bigane unrelaxt as yit. And it is na ressoun that the said Alexander Dowglas ressave sex scoir pundis mair nor is addettit to him, nor yit that the said uther hundreth pund be dischargeit to the said Walter Ker, seing thair is mony puyr anis quha maid mair furnissing to the saidis commissionaris nor he, quha as yit wantis a greit part of the payment thairof."—Parties having been called, Lawsoun appears personally, Douglas fails to appear, and Ker appears by his son Mark,—who produces the said precept for paying Douglas the sum of 200 merks, together with his acquittance upon receipt thereof, as also a discharge given by the King to the said Walter of the said sum of £300; which precept, acquittance and discharge having been considered, the Lords decern the said precept and discharge to be "privelie and surreptitiouslie purchest, besydis his Hienes knawlege and allowance," and therefore to be null, and also ordain the said letters of horning directed against Ker to be put to farther execution in all points for payment to the said Lawsoun of the said £300, less the said £80 paid to Douglas.

Edinburgh, 17th June. Caution for Murray of Blackbarony.

Caution by Johnne Murray of Blakbarony, as principal, and Walter Carnecors in Ludgait, as surety for him, in 500 merks, that Alexander Lawder in Frenshill, Alexander Lawsoun there, Thomas Broun there, and Thomas Scott there, shall be harmless of him.

Caution for Adam Wallace.

Caution by Adam Wallace, burgess of Edinburgh, as principal, and William Wallace, younger of Johnnestoun, as surety for him, in 1000 merks, that he will not harm David Lawtie, one of the scribes to the Page 7. signet.

Edinburgh, 18th June. Caution for John Bonar and Robert Beveridge.

Caution by Henry Bonar at Lumquhatmylne for Johnne Bonar, portioner of Auchtermuchtie, in 300 merks, and for Robert Baverage there, in £100, that they will not harm Bessie Stirk, relict of Patrik Maxwell, portioner of Auchtermuchtie.

Caution for Douglas of Coshogle.

Caution by Robert Douglas of Coschogill, as principal, and Williame Carmichaell of Pedwen (Badwen), as surety for him, that he shall pay to Niniane Heslop in Castelcavill 26s. 8d., as the price of each of six score and nine sheep alleged stolen by Pait Moffett of Cammok from the said Niniane; also, to Johnne Aslowane in Inglistoun 26s. 8d., as the price of each of three score sheep and two lambs stolen by Johnne Johnnestoun, called the Chepman, Geordie Johnnestoun, called the Champ, and Johnne Carrutheris in Locarbie, and of four score sheep stolen by them furth of the lands of Inglistoun in May 1590,—in case it shall be found that the said persons are men, tenants or servants to Sir James Johnnestoun of

Acta 1591-94. Dunskellie, or that they are comprehended in an Act by which the said Robert became surety for the said Sir James.

Page 17. Caution in £500 by Johnne Cumyng, younger of Ernsyde, for Alexander Boyne, burgess of Elgin, that Alexander Hay of Eistir Kennet, Clerk of Register, fiar, and Williame Hay, liferenter, of the lands of Mayne, shall be harmless of him. Edinburgh, 20th June. Caution for Alexander Boyne.

Page 7. Registration, by Alexander King, as procurator for the sureties, of a band of caution by Duncane Leslie of Petcapill and Mr Robert Leslie of Auldcraig for James Elphingstoun of Glak, in £1000, and for George Watt at the mill of Petcapill, Williame Wobstar in Mosfeild, Williame Kempt there, Alexander Finlay in Blakincheis, Alexander La in Glak, Johnne Kempt there, Williame Grant there, James Holme there, Arthour Holme there, Johnne Williamsoun there, and James Lamb there, in £200 each, that they will not harm Johnne Erskin of Balhagardy. Mr Alexander King and Alexander King, advocates, are procurators for registering the band, subscribed at Glak, 15th June, before Andro Abircrumby, notary public, Williame Cavill, George Moresoun, Stevin Johnnestoun. Edinburgh, 21st June. Band for Elphinston of Glack and others.

Sederunt.—Domini ut in die predicto. Edinburgh. 22nd June.

Complaint by Mr Thomas Gilbert, advocate, son and heir of the late Michaell Gilbert, goldsmith, burgess of Edinburgh, as follows:—His said father having been heritably infeft by the late James, Lord Ros, father of Robert, now Lord Ros, in the tenpound land of the Stanehous, the complainer, shortly after his said father's decease, had obtained himself served as heir to him of the said lands, and had thereafter raised a precept of chancery directed to the said Lord for seising him in the same. With this precept he had directed Mr Robert Honyman, as his procurator, with Adam Schoir, writer and notary, to require the said Lord to enter him duly. His said agents having met Lord Ros in Paslay, "he desyrit inspectioun of the said complenaris principall infeftment," viz., the charter to his late father by the late Lord Ros and instrument of seisin following thereupon, "to the effect sesing mycht have bene gevin conforme thairto". Accordingly, the said Mr Robert, procurator of the complainer, "deliverit his said umquhile faderis charter of the saidis landis, at the desire of the said Lord, to Thomas Inglis, baillie of Paslay, being thair present in cumpany with thame for the tyme, to the effect the said Lord and he
Page 8. mycht have red and collationat the samyn with the precept quhilk he sould have of new subscrivit,—the said Mr Robert, procuratour foirsaid, lippynning for na violence, fraude or dissait to have bene usit." Yet, while the said Thomas was reading the charter, Lord Ros "maist dissaitfullie desyris the said complenaris procuratour to pas a lyttill asyde fra thair cumpany, as thoch he wald have spokin sum uther purpois with Mr Thomas Gilbert against Lord Ross for abstracting and detaining a charter.

him; in the menetyme the said Thomas Inglis, and George Ros, servitour to the said Lord, be his speciall counsall and directioun, maist fraudfullie convoyit the said charter away, of purpois to have cancellat and distroyit the samyn." The charter is still detained.—The complainer appearing personally, but neither Lord Ros nor George Ros appearing, the Lords ordain them to deliver to the complainer the said charter, "haill in the self, seillit, subscrivit, uncancellat or distroyit," within three hours after the charge, under pain of rebellion. Acta 1591–94.

Order to denounce James Scott.

Complaint by Mr Thomas Nasmyth, portioner of Posso, as follows:—He has often complained already of the injuries sustained by him at the hands of James Twedy of Drummelzeare and his friends, "tuicheing thair intentioun to disposses him maist extraordinarlie" from his lands of Over and Nethir Stirkfeildis, to which he has good right by decree of the Lords of Session. "And, amangis utheris his schamefull and oppin oppressionis, he hes now of lait houndit out James Scot, his awin servand, to lay the said complenaris landis foirsaidis waist and to debar him thairfra." Thus, after the complainer had, this year, sown and harrowed part of the said lands, the said Scot, instigated by the said Laird, had sowed the same over again; and, upon 5th May last, the said Scot, "bodin in feir of weir," had come to the said lands, where the complainer's servants were tilling the same, "and maliciouslie and injuriouslie straik and dang thame in divers pairtis of thair bodiis, to the effusioun of thair blude in greit quantitie, and causit thame, as he causit all utheris his servandis, sweir to leif the occupatioun of his saidis landis and nevir to serve him, threitnyng thame with present deith, and avowing to cut thair hochis, gif evir he fund thame in his service." Through fear of Scot's violence, the complainer's tenants and servants have left him.—The complainer appearing by Michaell Nesmyth, his procurator, Scot, for failing to appear, is to be denounced rebel.

Band for Somerville in Carswell.

Registration, by Johnne Haliday, as procurator for the parties, of a band of caution in £500 by Robert Dalzell, elder of that Ilk, and Robert Dalzell, younger, for James Somerwell in Carswell, that James Diksoun in Quothquen, Peter Kello there, James Kello there, Alexander Wilsoun in Cotland in Nethirtoun of Quothquen, with the other tenants of the lands of Quothquen, and David Girdwod in Carswell, Williame Tarbett, Andro Young, Robert Watsoun, and the other tenants of the lands of Carswell, shall be harmless of the said James. Subscribed at Dalzell and Carswell, 19th and 20th June, before James Dalzell, son of Robert Dalzell of that Ilk, Mr Alexander Rowat, minister of Dalzell kirk, Robert Dalzell of Over Johnnestoun, Williame Batie, servitor to the Laird of Prestoun, James Somervell, and Barnard Somervell. Page 9.

Caution for Lord Forbes.

Caution by Alexander Hay of Delgatie for Williame, Lord Forbes, that he shall fulfil to Johnne, Master of Forbes, the decree pronounced by the King, with advice of some of his Council and of certain others chosen by the said father and son, dated 8th January 1590 (*ante*, p. 617).

Registration, by Mr Thomas Craig, procurator for the sureties, of a band

Acta 1591-94.

of caution by James, Earl of Glencarne, Johnne Creichtoun of Craufurdtoun, and Johnne Fairlie of Langlandis, for Petir Gairdner in Bogsyde, Petir Donald there, Gabriell Holme in Over Manis, Johnne Hew there, Williame Holme there, Mongo Foster in Auchinlek, James Foster, his son, there, Alexander Jonkine there, Alexander Holme there, Johnne Holme there, Johnne Schaw there, Johnne Hucheoun in Corshill, Alexander Henrie there, Johnne Lyill in Braidfeild, Alexander Lyill there, Johnne Jonkine in Castelhill, James Holme in Leperstoun, Petir Cowpar, Johnne Gairdner, Petir Gairdner in Manis, Robert Schaw, elder, in Davidstoun, Williame Schaw there, Petir Henrie in Damheid, Mongo Holme in Knokmontane, Johnne Schaw there, Patrik Layng in Auchinbothie, Johnne Patersoun there, Johnne Corrinth there, Johnne Tailyeour there, Johnne Hartrig in Paismure, James Maxwell in Turnourstoun, James Turnour there, David Lyle in Dennestoun, Robert Lokhart there, David Holme there, Williame Corrinth there, Archibald Allassoun there, James Park, James Gairdner in Rountohill, James Flemyng in Kirktoun, James Tailyeour in Dennestoun, Johnne Galbraith in Kilmaronnok, Barthilmo Foster in Duntryne, Williame Cunynghame and James Cunynghame in Garoquhan, and Barthilmo M^{c}Kane in Aber, in £200 each, that James Cunynghame, pensioner of Lesmahago, and Jonett Wallace, his spouse, shall be harmless of the said persons. Subscribed at Kilmarannok, 12th June, before David Glen of Lowrebank and Petir Barbour.

Band for the Earl of Glencairn's tenants.

Registration, by Mr Johnne Dempstar, as procurator for the parties, of a band of caution in £1000 by James Leslie of Miltoun for his "verie gude freind" Johnne Erskin, elder of Balhagardie, that he will not harm James Elphingstoun of Glak. Subscribed at Petachery, 18th June, before Thomas Erskyn, David Fentoun, Willye Afflek.

Band for Erskine of Balhagarty.

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Registration, by Mr Johnne Dempstar, as procurator for the surety, of a band of caution in 200 merks by Johnne Erskyne, fiar of Balhagartie, for Andro Leslie, dwelling in the east end of Balhagartie, that he will not harm Johnne Erskyne, elder, of Balhagartie. Mr Thomas Craig and Mr Johnne Dempstar, advocates, are nominated procurators for registering the band; which is subscribed at Knoknoglas, 17th June, before James Mortymer, fiar of Cragyver, Andro Stewart, Duncane Thomsoun.

Band for Andrew Leslie.

Sederunt—Cancellarius; Lindsay; Spynie; Newbottill; Urquhart; Secretarius; Clericus Justiciarie; Murdocairny; Ormistoun; Lincluden; Advocatus; Computorum Rotulator; Pettinweyme.

Edinburgh, 23rd June.

Complaint by Mr Andro Melvile, principal of the New College of Sanctandrois, and Mr David Makgill of Neisbit, King's advocate, for his Majesty's interest:—Upon the 4th instant, "the said Mr Andro being under medecine within his chalmer of the said College, lippynning for na violence," Mr David Methven, Andro Balfour, David Petcairne, Henry Andersoun, Williame Arthour, Arthour Myln, James Swerdie, Alexander Dik, Robert Narne, Johnne Wilsoun, Johnne Wylie, Robert Walker,

Riot in St Andrews against Mr Andrew Melville: injunctions in consequence.

Robert Smyth, Williame Hutoun, Johnne Lawsoun, Williame Moreis, Walter Adamsoun, James Alexander, Johnne Leirmonth, Patrik Playfeir, and Williame Peblis, "steirit up upoun sum motive unknawin to the said Mr Andro, convocat and assemblit togidder, be ringing of the commoun bell, the haill communitie for the maist pairt of the said citie, bodin in feir of weir, with quhome thay come to the said College, and, in maist barbarous and insolent maner, brak up the bak and foiryettis thairof, clam the wallis of the same, and preissit violentlie to have brokin up the said Mr Androis chalmer dur; lyke as thay brak up with ane lang jeist the bak stair of his said chalmer, upoun set purpois and deliberatioun to have slayne and murdreist him within his said chalmer, quhilk thay had not faillit to have done, wer not, be the providence of God and the mediatioun and travellis of the magistrattis of the said citie, thair rage and fury sumquhat mitigat. Lyke as thay in deid remanit within the said College and about the same the space of twa houris togidder, suting the said Mr Androis lyffe, uttering all this tyme mony injurious specheis, saying 'We have now gottin the occasioun we lang socht: let us tak it and mak us quyte of this man that troublis us ay'; committing heirthrow a maist hie and proude contempt and offence."—Charge had been given to all the foresaid persons to appear this day and answer to this complaint; and now, the complainers both appearing personally, and the said Mr David Methven, David Petcarne, Williame Arthour, Arthour Mylne, Alexander Dik and Patrik Playfeir, appearing also personally, but the rest of the accused failing to appear, the Lords ordain Mr Williame Russell and Williame Leirmont, two of the bailies of the said city, who are also present, to enter in ward within the Castle of Blaknes within 48 hours hereof, and remain therein till they give up the chief authors of the riot, under pain of rebellion. They also ordain the provost, bailies, council and deacons of crafts of the said city to return a band, subscribed by them, obliging themselves and their successors that the Rector, Dean of Faculty, Masters, Regents, Bursars, Students, Scholars, "and utheris inhabitantis and privilegeit personis" within the University of Sanctandrois, shall be harmless of them, and of other burgesses and inhabitants of the said city, in their bodies and goods, and also that, yearly at the time of the election of magistrates for the city, "sic personis as salbe electit in office for the tyme sall, immediatelie eftir thair electioun, cum to the presens of the Rector of the said Universitie for the tyme, and thair solempnitlie gif thair aythis in the said Rectoris handis to manteine and defend the said Universitie, privilegeis and privilegeit personis thairof, according to the ancient privilegis grantit to the same Universitie," under a penalty of 10,000 merks for failure in any point, "to be upliftit and employit to the sustentatioun of the puyr within the Collegis, and utheris commoun usis, at the sicht and discretioun of the Rector and Assessouris." The said band, subscribed in manner foresaid, is to be returned within 15 days after the parties are charged, under pain of rebellion; and those of

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the accused who had failed to appear, according to the charge given them, are to be denounced rebels.[1]

Act declaring tacks and dispositions made out of the Bishopric of Ross by the exiled Bishop of that see since his restitution by Act of Parliament in 1587 to be valid and sufficient, all intermediate Acts to the contrary notwithstanding.

Since the Parliament held at Edinburgh in June 1587 had admitted the Bishop of Ros to the benefit of the Act of Pacification (Acts of Parl. iii. p. 468) the said Bishop "hes, for greit sowmes of money payit to him, disponit and sett takis of divers landis, kirkis, and teindis, pertening to his saidis benefices, to his Hienes liegis"; besides which Master Williame Leslie had "advanceit and payit at his Majesteis command" great sums to the late Sir Williame Stewart of Carstairs, in consideration of the said benefit granted to the said Bishop. Afterwards, his Majesty, "considering that the said Bischop wes not abill to brouke and joise the said benefite of pacificatioun, be ressoun of non-making confessioun of his fayth," had granted, with advice of his Council, "ane speciall dispensatioun, dispensing thairwith" in all time coming; but, still later, on 29th May 1589, his Majesty and Lords of the Secret Council had ordained the Acts of Parliament to continue in force against the said Bishop, "dischargeing *simpliciter* the saidis dispensationis, or utheris indulgenssis obtenit be the said Bischop contrair the tennour thairof" (*ante*, p. 388). Hence "is not onelie the said Bischop frustrat alluterlie of the said restitutioun and benefite of pacificatioun grantit to him, and maid unabill to enjoy ony of his landis, possessionis and benefices, bot alsua sindry of his Hienes liegis and domestik servitouris, quha hes advanceit and debursit to him greit sowmes of money for thair takkis and securiteis of his landis and kirkis of his saidis benefices, [are] greittumlie hurt and prejugeit thairin, gif the said act of Secreit Counsaill be sufficient to extend or be interpreit thairto." Accordingly, his Majesty, "na wayis being myndfull that the saidis takkis acquirit for greit sowmes of money the tyme of the said Bischoppis lauchfull restitutioun, specialie the takkis acquirit be his familiar servitour, Maister Williame Leslie, his Hienes maister stabular, the takkis of the bischoprik of Ros, parsonage and vicarage of Une, and vicarage of Dyke, set be the said Bischop to him, and that his Majesteis servitour foirsaid be na wayis be the foirsaid Act prejugeit, bot mycht brouke and jois the

[1] For an account of this riot in St Andrews against Melville see *Autobiography of James Melville* (Wodrow Society edition), pp. 307–309, and M'Crie's *Life of Andrew Melville* (edit. of 1824), i. 332–334, and note FF in Appendix. The immediate cause was an ill-shot arrow from the bow of Mr John Caldcleuch, student of theology, who was exercising himself with others at a pair of new butts that had been set up in the garden of the New College. The arrow, escaping bounds, "lightes upon a auld honest man, a mautman of the town, and hurts him in the craig"; whereupon, as James Melville says, "the devill steired upe a maist dangerus uproar and tumult of the peiple of St Androis against my uncle, Mr Andro,"—already unpopular with the "malitius misrewlars" of the town, says the same authority, "because he could nocht bear with thair ungodlie and unjust delling." As Melville, however, was then not only principal of the New College, but also rector of the University, having been elected to that office on the death of James Wilkie, principal of St Leonard's College, in the preceding year, the riot was as much a demonstration of town against gown as against Melville personally. The first shouts of the mob were for Caldcleuch, that they might hang him; and it seems to have been after Melville had resisted the mob and kept them at bay on this point that the riot attained the formidable dimensions described in the present entry. The old maltman's wound turned out a trifle after all.

samyn, conforme to his rychtis, siclyke and in the samyn maner as the said Bischop wer fullie restorit and ordanit to enjoy the favour and benefite of the said pacificatioun"; and considering also that the said Bishop "wes movit at his Majesteis speciall command and requeist be the said Maister Williame to set takkis," and that "the said Mr Williame become speciallie bund and obleist for warrandice of ane tak set to my Lady Gowry be the said Bischop of Ros of the half kirk of Tarbett,"—ordains hereby, with advice of his Council, that "all takkis and utheris securiteis quhatsumevir maid be the said Bischop of Ros sen his restitutioun to his Hienes servitour, Maister Williame Leslie, and to my Lady Gowry foirsaid," are and shall be in all time coming "sufficient rychtis and titillis to thame for brouking and josing of the same, conforme to the tennour thairof, siclyke and in the samyn maner as the said Bischop wer fullie restorit, nochtwithstanding of the saidis Actis of Parliament and Secreit Counsall,"—with which Acts his Majesty hereby dispenses, declaring that the said tacks and securities shall be as valid "as gif thair had nevir bene ony proces or sentencis of forfaltrie, barratrie, or excommunicatioun led and pronunceit aganis the said Bischop," or "as gif the said Bischop had stand effectuallie repossest and acknawlegeit his Hienes authoritie and religioun presentlie profest within this realme." Acta 1591-94 Page 12.

Order to denounce Stewart and Hamilton.

Hercules Stewart of Quhytlaw, and Hammiltoun, younger of Sammelstoun, having failed to appear, as charged, to answer for having executed Purdy without trial or other legal form of process (*ante*, p. 625), are to be denounced rebels.

Resumed case of Kirkpatrick of Closeburn against Douglas of Drumlanrig.

Resumed action by Thomas Kirkpatrik of Closburne, sheriff-depute of Drumfreis, against Sir James Dowglas of Drumlangrig, touching the violent taking by the latter of Johnne Wilsoun in Halgill furth of the court held by the said Thomas at Penpont upon 27th March last (*ante*, p. 624):—The 22nd instant having been assigned to Thomas for proving that Sir James had been denuded of the bailiary of Mortoun by a decree of Council and Session, the said Thomas, appearing personally this day, produces (1) a charge given to the Clerk of Register to extract for him the said decree; (2) letters duly executed and indorsed against Williame, Earl of Mortoun, and Archibald Myller, writer, charging them to deliver the said decree, alleged to be in their hands, to the said Thomas; (3) extract of an act of caution from the books of Council and Session, making mention that George Wauchop, burgess of Edinburgh, became surety for James Douglas of Drumlangrig, and Robert Dowglas, provost of Lincluden, Robert Dowglas of Coschgill, and Mr Johnne Douglas, his curators, for their interest, that the said Sir James should flit and remove from the lands and barony of Mortoun, belonging to the late James, Earl of Mortoun, within a certain date, under a penalty of £100. These documents, together with divers reasons and allegations of the said Thomas and of the said Sir James, who is also personally present, having been considered, the Lords find it not proved that Sir James had been denuded of the office of bailie of Mortoun, and find also that no further Page 13.

Acta 1591–94. term can be assigned to the said Thomas for proving his allegation to that effect: "quhairupoun the said Sir James askit act and instrument."

Caution for George Ramsay.

Caution in 100 merks by Adam Hammiltoun, smith, burgess of Edinburgh, for George Ramsay, potter in Glasgow, that he will not harm Thomas Andersoun, burgess there,—Johnne Ramsay, burgess of Edinburgh, becoming cautioner in relief, for whom Johnne Andro subscribes.

Caution for the Abbot of Soulseat and his son.

Caution by Johnne, Commendator of Saulsett, and Mr Williame Johnnestoun, his son, as principals, and Thomas Kirkpatrik of Closburne, as surety for them, and by the said principals for Symon Johnnestoun, brother of the said Commendator, in 1000 merks each, that they will not harm Adam Cowpar, writer.

Caution for Alexander Boyd.

Caution in 500 merks by Hew Montgomery of Hessilheid for Alexander Boyd in Hoilhous of Kilmarnok, that he will not harm George Cunynghame in the Rawis of Grugar.

Edinburgh, 25th June. Proclamation against the Earl Bothwell.

"Forsamekill as Frances, sumetyme Erll Bothuill, having that honour to be sa tendir of blude to the Kingis Majestie, and in that consideratioun advanceit be his Hienes in the tyme of his infancie to the erledome of Bothuill and to sindry utheris landis, lordschippis, greit offices, honouris and prefermentis, quhairunto he na wayis succedit be birth; and his Majestie being perswadit, in respect thairof, and of the continewance of his Hienes favourabill countenance utterit be heping of benefeittis and honour upoun honour frome tyme to tyme upoun him, that he sould have randerit himself and all his actionis to the advancement, honour and standing of his Majestie, his croun and estate: nochtwithstanding, sic is his malicious and ungodlie nature that, eftir he had committit sindry slauchteris and utheris odious crymes, owersene and left nochtwithstanding unpuneist be his Majestie, that at last he tressonablie and unnaturallie tuke armes aganis his Hienes; for the quhilk, and for sindry utheris tressonabill crymes and practizes with strangearis and utheris within this cuntrie from tyme to tyme for subversioun of the trew religioun and perrelling of his Majesteis persoun, croun and estate, he being apprehendit and presentit to justice, at last, in ane justice court haldin within the tolbuith of Edinburgh, he wes convict of the same tressonabill cryme. And, nochtwithstanding, his Majestie, of his clemencie, superseidit as of befoir the pronunceing of dome aganis him, in hoip of his conversioun, penitency and amendment: quhill now that his Hienes persaving that he hes gevin himself ower altogidder in the handis of Sathan, and that his spreit hes sa michtelie prevalit into him that he yit still insistis, without feir of God or respect to honestie or schame of the warld, to continew in all kynd of filthines, heiping tressoun upoun tressoun aganis God, his Majestie, and this his native cuntre, evir assisting sic personis, be force, counsall and utherwayis, as wer and ar innemeis to God, his Hienes, and socht the subversioun of the trew religioun, takand the manteinance of tratouris, murtheraris and utheris wickit personis quha, to impetrat impunitie of thair wickit lyffis and libertie to do evill at all tymes, maid thair dependance upoun him,—he

having alsua now at last, for the bettir executioun of his wickit intentioun Acta 1591-94.
and tressonabill conspiracie aganis his Majesteis awin persoun, had consultatioun with nygromanceris, witcheis, and utheris wickit and ungodlie personis, bayth without and within this cuntre, for bereving of his Hienes lyff, confessit be sum of the same kynd alreddy execute to the deid and sum utheris yit on lyve reddy to be execute for the same cryme; and, being wardit within the Castell of Edinburgh quhill he had bene tryit of the same, he hes now at last eschapit, and swa hes takin the said tressonabill cryme upoun him eftir that his Hienes, nochtwithstanding, had yeildit to sum conditionis concerning his libertie: for the quhilk caus, and for the formar tressonabill offence quhairof he wes convict in maner foirsaid, his Majestie, now at last, hes causit pronunce the dome and sentence of foirfaltour aganis him, as the samyn at mair lenth beiris, swa that presentlie he remanis a declarit rebell, tratour, and innyme to God, his Majestie, and this his native cuntre. Quhairfoir his Majestie, with advise of the Lordis of his Secreit Counsall, ordanis letters to be direct, chargeing officiaris of armes to pas and mak publicatioun and intimatioun heirof be oppin proclamatioun at the marcat croces of the heid burrowis of this realme and utheris places neidfull, quhairthrow nane pretend ignorance of the same; as alsua to command and charge all and sindry his Hienes liegis that nane of thame tak upoun hand to resset, supple, schaw favour, intercommoun nor have intelligence with the said Frances, privatlie nor publictlie, be letters, messages, nor na uther maner of way, nor furneis him meit, drink, hous nor herbry, under quhatsumevir cullour or pretens, under the pane to be repute, haldin and persewit as arte and partakaris with him in all his tressonable crymes and weikit deidis: Page 14.
certifeing thame, and thay failye, thay salbe apprehendit, persewit and puneist as tratouris to God, his Majestie, and as conspyraris of tressoun aganis his Hienes awin persoun, with all rigour and extremitie,—bot his Hienes supponis thay will not move him heirunto, seing he nevir deservit the same at thair handis. Attour, for the bettir setling of the quiet estate of the cuntre, socht to be disturbit be the said Frances sen his cuming furth of ward, to command and charge likewayis all and sindry erllis, lordis, baronis, fewaris, frehaldaris, landit gentilmen, and substantious yemen and inhabitantis of burrowis, betuix sextie and xvi yeiris, dwelland within the boundis of the sherefdomes of Edinburgh principal and within the constabularie of Hadingtoun, Berwik, Roxburgh, Selkirk, Peblis Linlythquow and Striviling, alsweill within regalitie as ryeltie, that thay and ilkane of thame, weill bodin in feir of weir, with xv dayis victuallis and provisioun, addres thame selffis to repair to his Majestie to the burgh of Edinburgh upoun the lst day of Junii instant, providit to remane and to pas furthwart with his Majestie for repressing of the tressonabill practizes of the said Frances and quieting of the cuntre, under the pane of tinsell of lyff, landis and guidis."[1]

[1] Bothwell, who had been in ward in Edinburgh Castle since the 15th of April last (*ante*, p. 610, footnote), had broken ward at two o'clock in the morning of Tuesday, June 21,

Acta 1591–94.

Order to direct letters charging Frances, sometime Earl Bothuile, and all other keepers of the places of Creichtoun, Haillis, Morhame, and abbey of Kelso, to render them to the officer executing the said letters, within six hours after being charged, under pain of treason. Charge to Bothwell to render certain houses.

Registration by Mr Johnne Dempstair of a band in 1000 merks by Sir Thomas Gordoun of Cluny for Johnne Erskin, fiar of Balhagardie, that he will not harm James Elphinstoun of Glak. The said Mr Johnne and Mr Thomas Craig, advocates, are nominated procurators for registering the band; which is subscribed at Megstrayth, 22nd June, before Andro Dowglas and Williame Gordoun, servants to the said Sir Thomas, and Andro Stewart. Caution for Erskine of Balhagerty.

Caution by Andro Hammiltoun, baxter, burgess of Edinburgh, for James Hammiltoun of Libertoun, that he shall pay to the collectors of the first three terms of the barons' tax of £40,000 the sum of 20s. for every poundland of Libertoun and Craufurd-Johnne for each of the said three terms, in case it shall be found he ought. Caution for Hamilton of Liberton

Caution in £1000 by Williame Wallace, younger of Johnnestoun, and Johnne Schaw of Bargarrane, for Johnne Birsbane of Bischoptoun, that he will not harm Mr Andro Hay, parson of Renfrew, or Mr Andro and Johnne Hayis, his sons. Edinburgh, 26th June. Caution for Brisbane of Bishopton.

Caution to the same effect in £500 by the said Williame Wallace for Mathow Birsbane of Rosland. Caution for Brisbane of Rosland.

Registration, by Mr Henry Balfour, as procurator for the surety, of a band of caution in £100 by James Twedie of Drummelzeare for Stevin Alex- Edinburgh, 27th June. Caution for Stephen Alexander.

and escaped, in company with one of the servants of the Captain of the Castle (Calderwood, v. 132). Hence the present order.—The day of the order, June 25, 1591, was that of the execution, on the Castle-hill of Edinburgh, of Euphame M'Calyeane, one of the most famous of the reputed witches of the time (see *ante*, p. 591, footnote). Her trial had lasted from the 9th to the 13th of June, and had been on various charges, from witchcraft for private purposes, eighteen years ago, to recent sorcery for drowning the King and Queen on their way from Denmark. Before she was strangled and burnt, the poor woman "tooke it on her conscience that she was innocent of all the crymes layed to her charge."—No less notorious a witch-trial had been that of Barbara Napier (see *ante*, p. 591, footnote) about a month before. On the 11th of May she had been condemned to be strangled and burnt for offences similar to those of Euphame M'Calyeane; but, "when the staike was sett in the Castell-hill, with barrells, coales, heather and powder, and the people were looking for present executioun, her freinds alledged she was with child, wherupon the executioun was delayed, till that alledgance was tryed" (Calderwood, v. 128). As it had been thought hard to execute her after that, her life was spared,—hardly, it would seem, with the King's good will, inasmuch as he had resented the conduct of the jury in acquitting her of the main charge of treasonable witchcraft against his own person, and had called them to account for their ignorance or negligence. He had gone purposely to the Tolbooth and made an oration on the subject, a copy of which the English ambassador, Robert Bowes, had transmitted to Lord Burghley on the 8th of the present month. "A defect in the laws; the cause of great crimes in Scotland; his own impartiality; the use of witchcraft; the enormity of the crime; its punishment according to Scripture; the ignorance of thinking such matters mere fantasies; the cause of his own interference in the matter; the ignorance of the assize in the late trial; the cause of their finding; his own opinion of what witches really are,"—such is an abstract of the royal oration (*Calendar of English State Papers Relating to Scotland*, p. 592).

ander, messenger, that he will not harm Johnne Gledstanis, Ormond pursuivant. Subscribed at Drummelzeare, 21st June, before Williame Twedy of Wray, and James Scot, "my servitour." Acta 1591–94. Page 15.

Edinburgh, 29th June. Caution for James Clerk.

Caution in £1000 by Johnne Betoun of Pitluthie and Mr James Borthuik of Lochill for Johnne (? James) Clerk, bailie of Dysert, that he will not harm Jonet Wemys, relict of Williame Clerk, burgess of Dysert.

Caution for Elliot of the Stobs.

Caution in 1000 merks by Gàwin Ellott of the Stobbis, as principal, and Gilbert Ellott of the Kirktoun, as surety for him, that he will not harm Marjorie Hammiltoun, relict of Robert Ellott of Reidheuch.

Caution for John Seton of Pitblair.

Registration, by James Hervie, as procurator for the parties, of a band of caution by Alexander Seytoun of Meldrum for Johnne Seytoun of Petblair in 1000 merks, and for Johnne Irwing in Kirkland in £500, that Johnne Seigneur, Johnne Seytoun, James Murdo, Andro Murdo, Williame Broun, Alexander Knycht, tenants in the Kirktoun of Daviot, and Williame Elphinstoun, David and Johnne Lecheis, Thomas Chepman, Andro Duncane and Alexander Hall, tenants in Auldcraig, shall be harmless of the said persons. Subscribed at Abirdene, 24th June, before Alexander Seytoun, Williame Seytoun, Walter Wilsoun, servitors to the surety, and Mr Williame Nicoll, notary public, who subscribes for the said Johnne Irwing.

Edinburgh, 30th June.

Sederunt—Cancellarius; Secretarius; Murdocairny; Coldenknowis; Clericus Justiciarie; Lincluden; Carmichael.

Again in the matter of the feud between the Earl of Huntly and the Laird of Grant: Suspension of commission of justiciary granted to the Earl against Grant.

Complaint by Johnne Grant of Frewchy, as follows:—George, Earl of Huntlie, having been "sterit up" against the complainer, has long "maist awfullie" pursued him and his tenants, "committing oppin heirschippis and depredationis, besydis slauchteris and mutilatioun of men and wemen, under cullour of our authoritie; quhairupoun hes followit this universall troubill and unquietnes in the North, to the greif and displeasour of ane greit nowmer of trew men throw occasioun thairof brocht to miserie and povirtie, the cheif caus proceding upoun the unadvysed and inconsiderat granting of commissionis to the said Erll aganis the said complenar and his freindis, upoun his awin informatioun, without tryell or cognitioun preceding." And now lately, the King having taken good order between the two parties for the observation of peace in the country, the complainer has strictly kept the direction given to him in every point, expecting "a reciproque obedience and doing" on the part of the said Earl. "Nevirtheles, he meanis na thing ellis bot the wrak and ruyne of the said complenar and his hous, as, be his wrangus and extraordinar proceding aganis him, is manifest." For, within these few days, alleging that the complainer was at the horn in default of his finding surety to underlie the laws for the slaughter of Johnne Gordoun of Birsmoir, and for not finding caution for the indemnity of his tenants and servants, the said Earl has obtained a commission of justiciary to himself and to the Lairds of

Acta 1591-94. Page 16. Auchindoun, Cluny, and Geycht, and certain others, for pursuit of the said complainer, "and using all kynd of force and hostilitie upoun him." For the execution of the said commission, the Earl and his colleagues have the "haill cuntre under warning and almaist in reddines to pas furthwart upoun the said complenar." Now, the said commission has been "maist wranguslie and unadvysedlie grantit, upoun sinister and wrang informatioun, outwith counsall and without tryell preceding," the truth being that, long before the using of the hornings mentioned in the said commission, the complainer had obtained relaxation from them by having found caution to underlie the laws for the said slaughter, and also to keep his Majesty's peace to all the lieges, under a penalty of £10,000 (see *ante*, p. 626), and that lawful intimation thereof had been made to the said Earl. "Quhairby it is evident that the narrative of the said commissioun is maist fals and fenyeit in the self, and that his Majestie hes bene circumvenit in the granting thairof." The prayer of the complainer is that his Majesty will disallow the said commission, not only because of the "dangerous inconvenientis and eventis" which may follow from the resistance to which the complainer will necessarily be driven, but also "for eschewing of sic ane preparative and noveltie, quhilk in na aige hes bene grantit aganis fre personis."—Charge having been given to the said Earl, Sir Patrik Gordoun of Auchindoun, Sir Patrik Gordoun of Cluny, and Williame Gordoun of Geycht, to appear before the Council, bringing with them the said commission, and the complainer appearing by James Grant, his brother, but the defenders failing to appear, the Lords do suspend the said commission.

Lady Johnston against Gordon of Lochinvar.

Complaint by Dame Margaret Scott, Lady Johnnestoun, as follows:—Sir Johnne Gordoun of Lochinvar, having been charged by letters raised by her to pay her 3500 merks, "as ane pairt of the unlaw quhairin he, as ane of the cautionaris for Johnne, Lord Maxwell, wes decernit, conforme to his Hienes gift maid to the said Dame Margaret thairupoun," had obtained, upon certain "frivole allegeances," suspension of the said letters to 15th May 1589, to the effect he might in the meantime pursue the said Lord for his relief. Although the said day is long past, and the said Sir Johnne has obtained relief against the said Lord, yet neither will he "gif in the saidis letters of suspensioun to be callit, to the effect the said Dame Margarettis letters may be decernit to be put to forder executioun," nor will he pay her the 3500 merks unless compelled.—The complainer appearing by Archibald Douglas, macer, her procurator, but the defender not appearing to the charge given him to produce the said letters of suspension, the Lords decern the complainer's letters of horning to be put to farther execution in all points.

Page 17. Edinburgh, 1st July. Caution for John Stewart of Rosland.

Registration, by Johnne Haliday, as procurator for the surety, of a band of caution in 300 merks by Johnne Stewart, sheriff of Bute, for Johnne Stewart of Rosland, one of the "ischearis" of the King's chamber, that Niniane Andersoun in Wodsyde, Williame Andersoun in Stobcors, Walter

Gibsoun in Over Newtoun, Andro Younger there, Johnne Craig in Nethir Newtoun, Williame Heriet, deacon of the baxters of Glasgow, Johnne Scot, Thomas Fawsyde, Robert Young, George Young, George Robesoun, Johnne Auldcorne, David Landes, baxters, burgesses of Glasgow, shall be harmless of the said Stewart. Subscribed at Rothesay, 23rd June, before Alexander Stewart, burgess of Rothesay, Robert Stewart of Auchebulge, William Stewart, his brother, Patrik Campbell, servitor to the said sheriff. Acta 1591–94.

Edinburgh, 5th July. Caution for Lady Carnsalloch and her spouse.

Caution by Johnne Hammiltoun of Ellerschaw for Marioun Maxwell, Lady Carnsalloch, and Robert Johnnestoun, her spouse, in £500 each, that they will not harm Homer Maxwell of Carnsalloch,—Williame Wylie, notary, subscribing for the surety.

Caution for James Hamilton and others.

Caution by Johnne Hammiltoun of Pardowy, and Johnne Sterling, fiar of Craigbarnat, for James Hammiltoun, Mr Adam Hammiltoun, Mr Allan and Umphra Hammiltonis, sons of the said Johnne Hammiltoun of Bardowy, and for Johnne Elmure, Margaret Mitchell, Kessen Trypman, and Robert Tripman, his tenants, in 500 merks each, that Elizabeth Sympill, liferentrix of the fifteen poundland of Auchinhowy, Robert Lindesay of Balhall, her spouse, Robert Grahame, her son, heritor of the said lands, and Johnne Grahame of Knokdoliane, his brother and tutor, shall be harmless of the said persons.

Caution for John Hamilton of Pardowie.

Caution to the same effect in £2000 by the said Johnne Stirling for Johnne Hammiltoun of Bardowy.

Kelso, 6th July.[1]

Sederunt—Rex; Levenax; Cancellarius; Newbottill; Coldenknowis; Clericus Justiciarie; Murdocairny; Collector. Page 18.

Oaths by certain Border Lairds of obedience to the King and assistance to him against Earl Bothwell.

Walter Ker of Litilden, Ker of Greneheid, Ker of Lyntoun, Andro Ker of Fawdounsyde, of Sutherlandhall, of Gaitschaw, M^{c}Dowell of M^{c}carstoun, Johnne Edmestoun of that Ilk, Ker of Mersingtoun, Rutherfurd, younger of Hunthill, Dowglas of Bonejedburgh, Hoppringill of Bukcum, Hoppringill of Torsonce, Hoppringill of Quhytbank, appearing before the King and Council, gave their oaths faithfully to serve his Majesty and assist Alexander, Lord Hume, warden of the Eist March, Williame Ker of Cesfurde, warden of the Middill March, and Walter Scot of Branxholme, in his Majesty's service, especially in pursuit of Frances, sometime Earl Bothuill, his expulsion from the country, and resistance to him if he attempts invasion. They promised to this end to lay aside all mutual feuds, "and awfauldlie concur togidder, without schrinking, schift or excuise, as thay sould ansuer to God and to his Majestie upoun thair obedience and allegeance, and under the pane to be repute and estemit

[1] With the levy ordered on the 25th of June (*ante*, p. 643), the King had now come to the Border, in pursuit of the fugitive Bothwell. He did not find the fugitive, but obtained possession of "all his houses and strenths," and was able otherwise to take order in those parts (Calderwood, v. 133).

Acta 1591-94.

faythles, mensworne, and nevir to brouke honour nor estimatioun in tyme cuming."

Caution for Armstrong of Mangerton, John's Jock Armstrong, and Armstrong of Whithaugh.

Caution in £2000 by Sir Walter Scot of Branxholme for Armstrang of Mangertoun, that he shall, on six days' warning, answer before the King and Council to what may be laid to his charge.

Caution in £2000 by the said Laird of Mangertoun to enter Johnnes Jokke Armstrang within 15 days hereof as pledge for the gang of Mangertoun.

Caution in £2000 by the same to enter Lancy Armstrang of Quhithauch upon six days' warning, the said Lancy to be at liberty meanwhile.

Scott of Buccleuch appointed Keeper of Liddesdale.

The King, with advice of his Council, appoints Sir Walter Scot of Branxholme to be keeper of Liddisdaill during his Majesty's will, and grants to him the fees and duties belonging to the said office, with the same authority to use the same as had belonged to Frances, sometime Earl Bothuill, or any of his predecessors. The said Sir Walter, being present, accepts the office; and intimation of the appointment is ordered at the market crosses of Kelso, Jedburgh and Hawik, with command to the inhabitants of Liddisdaill and other lieges to acknowledge the new keeper and assist him in all ways.

Page 19.

Edinburgh, 6th July. Caution for a number of Aberdonians.

Registration, by James Harvy, as procurator for parties, of a band of caution by Alexander Cruikshank, Alexander Litstair, David Carnegie (? Cargill), James Robertsoun, Alexander Donaldsoun, Mr Williame Andersoun, Andro King, Andro Scherare, and Johnne Fyff, for Mr Johnne Dowglas, Robert Andersoun, Thomas Moresoun, burgesses of Abirdene, Johnne Robertsoun, Patrik Jak, James Andersoun, "litstaris," burgesses thereof, James Coipland, James Kelman, Andro Myln, wright, in 300 merks each, that Alexander Hay, burgess of Abirdene, shall be harmless of them, conform to the letters, of date at Edinburgh 3rd June last, obtained by the said Alexander Hay, and Thomas Murray, also burgess of Abirdene. Subscribed at Abirdene, 3rd July, before David Andersoun, bailie, Alexander Ruddoch, Williame Lorymer, George Andersoun, Mr Robert Paip, bailie, burgesses of Abirdene, Mr Thomas Mollisoun, common clerk of the said burgh, and James Davidsoun, notary public,—who subscribes for the said Thomas Moresoun, James Kelman, James Copland, Johnne Robertsoun, "becaus we can not wryte."

Edinburgh, 8th July. Caution for Robert Kirlie and his son.

Registration, by Mr Henry Balfour, as procurator for the sureties, of a band of caution by Robert, Lord Sympill, and Robert Mure of Cauldwell, for Robert Kirlie, elder, burgess of Paslay, and Robert Keirlie, younger, his son, in £200 each, that they shall answer before the Council upon 27th July next to a complaint by Elizabeth Marschell, spouse of the said Robert, younger. Subscribed at Paslay, 24th June, before Thomas Sympill, Ezechiell Montgomery, and Johnn Sempill.

Caution for Stewart, fiar of Barscube.

Caution in 1000 merks by Sir James Edmestoun of Duntreth for Johnne Stewart, fiar of Barscuib, that he will not harm Agnes Mortoun,

relict of Symon Birsbane in Barnhill, or Johnne Algeo and Mathow Biggait, tenants of the 40s. land of Wattishill. Acta 1591–94.

Edinburgh, 12th July. Band for Gilbert Ogilvy of that Ilk and others.

Registration, by Mr Henry Balfour, as procurator for the sureties, of a band of caution by David Maxwell of Teilling and Thomas Wentoun of Stradichtmertine (Stradichtiemertine, Strikmartein) for Gilbert Ogilvy of that Ilk in £1000, for Mr Gilbert and Robert Ogilvyis, his sons, in 500 merks each, and for James Drummond, Archibald Drummond, Petir Pitblado, Andro Wilkie, David and James Wilkeis, his sons, all servants to the said Gilbert Ogilvy of that Ilk, in 300 merks each, that George Nicoll and Gilbert Nicoll in Ballodrone shall be harmless of the said persons. Subscribed at Teilling, 10th July, and at the Glen of Ogilvy the same day, before Gilbert Scrymgeour, brother of Johnne Scrymgeour of Kirktoun, Andro Wentoun, brother of the Laird of Strichtmertine, Thomas Ramsay, servant to the said Laird, Patrik Quhytlaw, fiar of Newgrange,—Andrew Gib, notary public, subscribing for those who cannot write. Page 20.

Band for David Maxwell of Tealing and others.

Registration, by Mr Henry Balfour, as procurator for the sureties, of a band of caution by Gilbert Ogilvy of that Ilk and Johnne Scrymgeour of Kirktoun of Manys for David Maxwell of Teilling in £1000, for Johnne Ogilvy of Pytpointie and Hew Maxwell, apparent of Teilling, in 1000 merks each, for Thomas, George, Robert and Hew Maxwellis, brothers of the said David Maxwell of Teilling, and Patrik and David Maxwellis, his sons, in 500 merks each, and for Johnne Petrie in Balgray, Johnne and James Smythis, and Johnne Tailyeour in Balkello, in 300 merks each, that George Nicoll and Gilbert Nicoll in Ballodrone shall be harmless of the said persons. Subscribed and witnessed as above,—Andrew Gib subscribing for Johnne Ogilvy, Thomas Maxwell, James Smyth, Johnne Smyth, and Johnne Tailyeour.

Band for Hew Campbell or Terrinyean.

Registration, by Mr Johnne Prestoun, as procurator for the surety, of a band of caution by Williame Campbell of Quhythauch for Hew Campbell of Terrinyeane in £2000, that he will not harm Archibald Boill in Tarbert or those conjoined with him in former Acts (see *ante*, 607). Subscribed at Lieschaw, 8th July, before Williame Campbell of Welwod, Charles Tait, younger of Adamhill, and Johnne Gemmill, notary. Page 21.

Act concerning the office of Conservator and Scottish merchants trading in the Low Countries.

"Actis, Statutis, Constitutionis and Ordinances concerning the office of Conservatorie, and Marchantis of this natioun trafficquing within the Law Cuntreis, for the honour of the realme and weill and commoditie of the saidis marchantis, at Edinburgh the xii day of Julii 1591.[1] Page 38.

In the first, that na marchauntis, factouris, maisteris of schippis nor marinaris sall have nor enjoy ony benefite, libertie or privilege of this natioun, except sic as professis the trew and sinceir religioun of Jesus Chryst in all pointis, as the samyn is presentlie establissit be lawis and Actis of Parliament within the realme of Scotland. Item, that all marchauntis, factouris, skipparis and marinaris, resorting for the tyme in the

[1] This important entry is inserted here according to date, though it is not given in the Register till at a point about a month later, *i.e.* under the 10th of August.

Acta 1591–94. toun of Campheir, cum and repair to the kirk on the ordinar precheing dayis, under the pane of fyve schillingis, and to the Suppar of the Lord,
Page 39. under the pane of twenty schillingis. Item, for eschewing of fraude quhilk hes bene and is usit towartis his Majesteis custumes, and that his Hienes be not abusit thairin in tyme cuming, it is statute and ordanit that all cokquettis salbe speciall and contene particularlie the haill quantitie and specificatioun of all the guidis, with the names of thame unto quhome thay appertene—lyke unto Edinburgh—under the pane of confiscatioun of the guidis, the ane half to his Majesteis use and the uther half to his Conservatour. Item, becaus it is commounlie usit that unfremen and strangearis gevis up thair guidis and custumes the same in the name of fremen, to the greit defraude of his Majesteis customes and hurt of the marchantis, thairfoir ordanis the said Conservatour to accept and ressave fra tyme to tyme the solempnit aythis of the marchantis, factouris, skipparis and utheris, that the haill guidis custumit in every mannis name propirlie appertenis to himself, and, gif it salbe fund or tryit utherwayis be the Conservatour, to confiscat as is afoirsaid, and the upgevaris to be onelie ansuerabill to the same strangearis and to be adjugeit in the pane of fyve pundis, to be applyit as said is; and commandis that everie marchaunt, factour, skipper or uther, cum to the Conservatour to the same effect afoir the inputting of ony gudis or geir, under the pane of fourty schilling sa oft as thay failye. Item, for avoyding of the inconvenientis quhilkis may tend not onelie to the religioun presentlie professit, bot also to his Hienes authoritie and esteat of his realme, be the secreit passing and reparing of his subjectis, under cullour of trafficquing in marchandice, to the pairtis of Flanderis, Brabant and utheris under the King of Hispanis dominionis presentlie under the governament of Duke de Parma, fra Zeland or fra the pairtis foirsaidis thairto, his Majestie dischargeis all his Hienes subjectis of all passing or reparing to or fra the pairtis abonespecifiit, without the knawlege and licence of the said Conservatour, under the pane of fyve pundis, commanding and ordaning him straitlie to serche and seik gif thay carie ony letters, and, gif thay tend to ony wecht or importance, to intercept and direct the samyn to his Hienes with the first commoditie. Item, that the haill marchantis, at thair first arryvall and cuming on land, sall pas to the Conservatouris ludgeing, to the effect he may informe thame how thay aucht to behave thameselffis, as also to understand gif thair be ony unfremen amangis thame contrair the Act of Parliament, under the pane of twentie schilling; and every marchant, so oft as he repairis to the pairtis of the Law Cuntreis, sall present ane new testimoniall to the Conservatour, conforme to the Act of Parliament maid be his Hienes and his maist nobill progenitouris in tymes bipast, under the panis set doun; and everie man at his first vayage to gif his ayth to the Conservatour, and thaireftir be incorporat, and pay twentie schillingis gif he be ane burges sone, gif not the dowbill. Item, that na contractis, transportis, obligationis, dischargeis, testamentis or latter willis be haldin or repute as valide, nor be of ony force, strenth or

effect, except the samyn be maid in presens of the Conservatour, or his depute and clerk for the tyme, authorizit and admittit be him, and past the seill of office dewlie and auttentiklie as efferis; and that all consignationis of money be in the handis of the said Conservatour, according to the ordour usit within his Majesteis realme, and under the pane of fyve pund. Item, for the honour of the cuntre and contening of the natioun in dalie quietnes and decent ordour, specialie amangis strangearis, it is statute and ordanit that quhasaevir sal happin to draw swerd, quhinzeare or knyfe, sall pay the pane of fourty schillingis, and quhasaevir strykis with hand without wappin or gevis injurious word, to pay the pane of twenty schillingis. Item, his Majestie gevis and grantis licence to his said Conservatour to transport furth of this realme yeirlie, for the provisioun and furnissing of his hous in the Law Cuntreis, ane last of flour, ane last of beif, and twenty-four chalderis of burne coillis, fre of all custumis, and without ony serche, arreist, stop, stay or impediment to be maid be ony of his Hienes sercheouris or officiaris to the said Conservatour, his factouris, servitouris, or skipparis, maisteris and marinaris of the schippis and veschellis, transportaris thairof, in onywayis in tyme cuming. Item, quhasaevir beis warnit to court, or utherwayis to compeir befoir the Conservatour, and comperis not, sall pay twenty schillingis; and, gif ony wilfullie and contemptuouslie dissobeyis, salbe impresonit and pay the sowme of fyve pund. Item, we gif the Conservatour for his service, travellis and laubouris, twelf sturis of everie sek of gudis and thre of the schip, and, gif scho be chargeit with strangearis gudis, sex; and commandis na schip to lois till thay have deliverit thair cokquet and entres to the Conservatour, under the pane of fyve pund; as, also, we gif him ane schilling for everie ane of thame that salbe contenit in the said cokquet and entres; and ordanis all frauchting hamewart to be in the said Conservatouris presens or his depute, under the said pane, and the awnaris and skippar to pay fyve schillingis and the marchantis ten; and lykewyis gevis him the exsyis of twa lastis of beir and ane tun of wyne grantit to the natioun. Item, his Majestie declaris that quhatsumevir thing ony generall or particular commissionaris of burrowis settis doun or concludis, be thair previe and particular authoritie, ayther concerning his propir officiaris, the Conservatour, or the privileges of the natioun, to be null and of na force nor effect; and commandis the said Conservatour to acknawlege nane of thair Actis, tuicheing ony of the saidis twa, except thay be ratifiit and apprevit be us and the Lordis of oure Secreit Counsall, and to stay all commissionis not direct to him and quhairin he is not first nominat; and quha ressavis or transportis ony fra the Law Cuntreis, by his advise, sall pay ten pundis. Item, it is statute and ordanit that quhatsumevir sowmes salbe debursit be the Conservatour in the effaris of the generall estate of marchantis, or in the effaris of quhatsumevir particular marchant, salbe refoundit and rambursit to him, besydis the consideratioun of his panis. Item, quhaevir injureis the Conservatour be word, gif he be of the natioun, sall pay ten pund, and be impressonit; gif he be ane strangeare, Acta 1591–94.

Acta 1591-94. the natioun salbe dischargeit to by or sell with him under the lyke pane; gif be deid, salbe removit of the natioun in all tyme cuming. Item, for eschewing of the multitude of pleyis and to refrayne malicious pleyaris, the pairtie succumbing salbe condampnit in the pane of fourty schillingis; and, gif ony persoun compeiris afoir ony jugement or counsall in the Law Cuntreis by the advise of the Conservatour, he sall pay fyve pundis; and ordanis everie man, besydis his defraying quhen he compeiris in jugement, to pay him dalie twentie schillingis. Item, we ratifie, apprevis and confermis all and quhatsumevir actis, statutis and ordinances maid and set doun be us or oure maist nobill progenitouris in ony tyme bipast,
Page 40. concerning the office of conservatorie and privilegeis of this natioun within the Law Cuntreis, and commandis oure said Conservatour to put the samyn in executioun upoun the contravenaris without respect of personis, nochtwithstanding quhatsumevir utheris letters purchest or to be purchest in the contrair be quhatsumevir persoun or personis, as he will answer to us upoun his office. Quhilkis actis, constitutionis and ordinances the Kingis Majestie ordanis to be actit and registrat in the bukis of Secreit Counsall to lestand memorie, and, the samyn being registrat, ordanis his Hienes greit signet to be appendit thairto."

Page 21. Caution in £2000 by Sir James Maxwell of Calderwod for James Hammiltoun of Libertoun, that he will not harm Johnne Somervile of Cambusnethaine. Edinburgh, 13th July.[1] Caution for Hamilton of Liberton.

Sederunt—Cancellarius; Urquhart; Murdocairny; Blantyre; Barnbarroch; Collector. Edinburgh, 14th July.

Complaint by Johnne Gordoun in Knoksting, father of Jonet Gordoun, as follows:—Alexander, George, David, Roger and Watte Johnnestonis, John Gordon against John Kirkpatrick and others.

[1] This was the last day of the sitting of a General Assembly of the Kirk which had met in Edinburgh on the 2nd of July. The views taken by the clergy in this Assembly of the state of public affairs are expressed in a petition from the Assembly to the King and Council. "It is cravit," says the petition, "that the Acts of Parliament made for suppressing of the inormities following may be put to execution:—first, against Jesuites, such as Mr James Gordowne, and the receiptors of them, and excommunicats, such as the Laird of Fintrie and the Master of Angus; profainers of the sacraments, private men and women givers thereof; idolaters, pilgrimagers, papisticall magistrates, sayers and hearers of masse, givers of the sacraments according to the papisticall forme and receavers of the samin; committers of apostasies; publick mercats upon the Sabbath day; violent invaders of ministers be stricking of them or be shedding of thair blood; profaining of the Sabbath day be Robin-Hood plays; murtherers and bloodshedders, quhilks overflow the whole land" (Booke of the Universall Kirk, p. 356). The last clause is not too strong. While the time of the absence of King James on his Scandinavian tour had been noted as one of unusual quiet in Scotland, the year that had elapsed since his return had been unusually prolific of feuds and slaughters, and the remissness of James in bringing the guilty to account for these had been already a subject of remonstrance with him on the part of the clergy. While there had been plenty of witch-trials and witch-burnings (*ante*, pp. 591, 654, footnotes), persons accused of notorious murders and slaughters were going about in safety in various parts of the kingdom. "What could the great disobedience of this land meane now while the king was present, seing some reverence was borne to his shadow when he was absent," had been a question put from the pulpit, in the King's own presence, by Mr Robert Bruce, in a sermon on the 6th of June.

brothers of Gubhill, Johnne Johnnestoun, called Thome of Finglandis Jok, Thomas Johnnestoun, called Thome of the Swyre, Johnne Johnnestoun of Hungriehill, Thome Kirkpatrik, called Allan's Thome, Williame Jarden in Milhall, Jokie Charterhous, Symmie Pady . . , Johnne Kirkpatrik, in Humpisfeild, with their accomplices, had come upon 23rd June last, "all bodin in feir of weir," to the complainer's place of Knoksting, and violently taken his said daughter furth thereof, carrying her away to such places as they pleased, "of purpois and intentioun, seing scho is the said complenaris onlie barne and air, to move and entyse hir to accept ane of thame to hir husband."—Charge having been given to the said Johnne Kirkpatrik, Williame Jarden, Alexander, George, David, Roger and Watte Johnnestonis, and Thomas Kirkpatrik, to deliver the said Jonet to her father, within a certain time, or else to produce her before the King and his Council, and the complainers now appearing by Riddik of Dalbatie, their procurator, but the said persons failing to appear, the Lords ordain them once more to deliver Jonet to her father within 24 hours after being charged, under pain of rebellion. Acta 1591–94.

Suspension of horning against William Younger and others.

Petition by Williame, Andro, and Daniell Youngaris in Partik, as follows:—On a complaint against them by Johnne Stewart of Rosland "tuicheing the allegeit umbesetting of his gait at the myln of Partik and persute of him for his lyff," they had been charged to enter in ward in Blaknes within a certain time, under the pain of horning, and, "for thair allegeit dissobedience," they had been put to the horn. Now, immediately after the said charge, they had appeared before the Council "and sufficientlie justifeit thair awin innocencie in presens of the said Johnne Stewart," and had thereafter entered in ward within the said Castle, "quhairin thay remanit ane lang space," till his Majesty had been satisfied and had relieved them. They pray therefore to be relaxed from the said process of horn.—Charge having been given to the said Johnne Stewart to appear and produce the said letters of horning, and the complainers appearing by David Hammiltoun, their procurator, but the said Johnne not appearing, the Lords suspend the letters of horning. Page 22.

Caution for David Fairly of that Ilk and his tenant.

Caution by Williame Wallace, younger of Johnnestoun, for David Fairley of that Ilk in 1000 merks, and for Robert Cunynghame in Burrowmylne *alias* Fairlie Mylne, his tenant, in 500 merks, that they will not harm David Fullartoun of Corsbie, or Robert Henrie, his tenant.

Edinburgh, 15th July. Caution for James Somerville.

Caution in 2000 merks by James Hammiltoun of Libertoun and Williame Weir of Stanebyris for James Somervile, eldest son of Johnne Somervile of Cambusnethaine, that he will not harm the said Johnne, his father.

Edinburgh, 16th July. Order to denounce Johnstone of Dunskelly.

Complaint by Margaret M^c^Clellane, Lady Wamfray, and Williame Johnnestoun, her son, for his interest, as follows:—Although she had in 1578 obtained a decree of byrun duties, with the teinds, multures and grassums, of her terce and conjunctfee lands of the barony of Wamfray, against Edward Irwing of Boneschaw, Johnne Johnnestoun in Kirkhill, Page 26.

Acta 1591–94. Robert Johnnestoun, his brother, David Johnnestoun in Staywod, Jok Johnnestoun of Howgill, Johnne Johnnestoun in Greitheid, elder, Andro Johnnestoun there, Johnne Johnnestoun, younger, there, yet they "ar becum sa lawles and dissobedient" that they will not answer her, or Williame, her son, assignee to the said mails and duties; nor dare the officers of arms, for fear of their lives, use charges against them. "Thairfoir, according to the generall band, the Laird of Johnnestoun, their maister and cheif, aucht to mak thame answerabill to his Hienes lawis." —Charge having been given to Sir James Johnnestoun of Dunskellie to present his said men to answer in this matter, and the complainers appearing personally, but the said Sir James making no appearance, the Lords order him to be denounced rebel.

Page 22. Caution by Robert Lindsay of Balhall, as principal, and Andro Maull, portioner of Skryne, as surety for him, in 2000 merks, that he will not harm Johnne Hammiltoun of Pardowie, elder. Edinburgh, 19th July. Caution for Lindsay of Balhall.

Registration, by Mr Johnne Prestoun, as procurator for the sureties, of (1) Band of caution in £500 by Archibald Dowglas of Pettindreych for Williame Gibsoun, burgess of Elgin, that Alexander Hay of Eistir Kennet, Clerk of Register, fiar, and Williame Hay, liferenter, of Mayne, shall be harmless of him. Subscribed at Pettindreych, 14th July, before Andro Dowglas, Hew Dowglas, and George Dunbar, servitors to the said Archibald, and George Cuming, burgess of Elgin, and Thomas Hay, notaries public. Edinburgh, 20th July. Band for William Gibson.

Page 23. (2) Band of caution by Johnne Innes of Auchloncart for Johnne Innes, younger, burgess of Elgin, in £500, to the same effect, conform to the letters obtained against him, of date at Edinburgh 8th August 1590. Subscribed at Elgin, 13th July, before Mr James Gairdin, Alexander Boynd, bailies of Elgin, and James Guthre and Alexander Gadderare, notaries public. Band for John Innes.

Sederunt—Cancellarius; Newbottill; Urquhart; Clericus Justiciarie; Clericus Registri; Coldenknowis; Collector. Edinburgh, 21st July.

Complaint by Williame Buchannane in Bucreuch, as follows:—Through occasion of "the lait troubles and variance" between certain Buchannanes and the Laird of Ardincapill and his friends, "quhair sum slauchter and spoliatioun of gudis hes chanceit," the said Laird has conceived "ane deidlie hatrent and malice aganis the said complenar, and hes sutit and dalie seikis all indirect meanis to troubill him." He had first pursued the complainer as art and part in the said slaughters, of which "be ane assyis" he "wes fund innocent and clengeit." Thus disappointed, he intends now, under colour of his Majesty's authority, to "sorne, herry and wrak" the complainer's whole lands, and to intromit with his goods wherever he may find them, "cullourand his wrangus and unlauchfull proceding in this point" by an Act of Parliament, ordaining that it shall be Suspension of letters obtained against William Buchanan.

lawful to all subjects skaithed "throw stowth or maisterfull reif of gudis be thevis, brokin men and sornaris of clannis," to apprehend and arrest the bodies and goods of the offenders, or any others of the same clan, their dependers or partakers; for execution of which Act the said Laird has not only charged officers of arms to assist him, but has also associated with him the Laird Makgregour and many of his clan, "all thevis, brokin men and sornaris." The complainer has committed no offence, "and thairfoir it is nawayis equitabill that he, becaus he is of the name of Buchannane, sould be burdynnit or troublit for the misbehaviour of the brokin men of the cuntre."—Charge having been given to Allane M°Cawlay of Ardincapill to appear and produce the said Act of Parliament, with the said letters raised thereupon, and the complainer now appearing personally, and the said Allane by Johnne Hendirsoun, his procurator, who desired another day to be assigned to him for producing the foresaid letters, the Lords of Secret Council suspend the said letters till they are produced and the complainer is warned thereof. Acta 1591-94.

To denounce James Geddes and others.

Complaint by Jehane Hammiltoun, Lady Lamyngtoun, mother, with the brothers and other kin and friends, of the late Mr David Baillie:—In June last the said Mr David was "maist schamefullie, cruellie and unmercifullie slayne" by James Geddes of Glencoquho, Thomas and James Geddes, his brothers, Malcolme Flemyng, James and Petir Flemyngis, servants to the Lord Flemyng, Williame Geddes, and others their accomplices, "all bodin in feir of weir," upon the high street of Edinburgh, and redress is now demanded.—Charge having been given to the said Geddes of Glencocho, Thomas Geddes, Malcolme, James and Petir Flemingis, to appear and answer, the said persons, for not appearing, while the complainers appear by Mathow Baillie, brother of the deceased, are to be denounced rebels. Page 24.

The Countess of Erroll and her husband against Campbell of Glenlyon.

Complaint by Dame Agnes Sinclair, Countess of Errole, and Alexander Gordoun of Strathdoun, her spouse, for his interest, as follows:—Upon 25th September 1587 Coline Campbell of Glenlyoun was, at her instance, put to the horn (1) for not appearing to answer a complaint made by her against him, and (2) for not restoring to her certain goods spuilyied by him from her, or else the value thereof. As he "remanit contempnandlie" unrelaxed, she had obtained letters charging him and the keepers of his dwelling houses to render the same to the executioner of the said letters, and also charging him to enter in ward within the castle of Blaknes, within a certain time, under the pain of treason; and, as he had still "maist proudlie and contempnandlie" disobeyed, she had been forced to crave his Majesty's commission for pursuit of him by fire and sword. To stay execution of this commission, he has of late, "be the moyen of sum schameles and undiscreit personis, prefering thair awin prevat gayne and commoditie to his Hienes honour," privily, without his Majesty's knowledge, obtained a letter under the King's subscription and signet relaxing him from the horn for any cause bygone. In justice to the complainers, and others having action against him, and also for relieving his

Acta 1591-94. Highness of the "dalie fascherie of indiscreit and inoportune sutaris of siclyke letters," the said letter ought to be declared null.—Charge having been given to Campbell to appear and produce the foresaid privy
Page 25. letter of relaxation, and the said lady and her spouse now appearing by James Harvie, their procurator, but the defender failing to appear, the Lords decern the said letter of relaxation to have been surreptitiously obtained of his Majesty and therefore to be null, and ordain the said letters of horning, caption and treason against Campbell, and the commission following thereupon, to be put to further execution in all points.

Order to denounce Alexander Gatherar, sheriff-clerk of Elgin.

Complaint by Grissell Leslie, relict of David Dunbar of Littill Suddie, and by Alexander Nicolsoun, messenger, for his interest, as follows:—Mr Johnne Dunbar of Meftis, and James Dunbar of Tarbet and David Dunbar of Durris, as cautioners for the said Mr Johnne, having been put to the horn by letters raised by the said Grissell, the said Alexander, "immediatlie eftir the said denunciatioun, past to Alexander Gadderare, sheref-clerk of the sherefdome of Elgin, and deliverit to him the saidis letters," in order to their registration according to the Act of Parliament. The said sheriff-clerk had received the letters and promised to register them within eight hours; but, when, at the end of the eight hours, the said Alexander Nicolsoun required the letters from Gadderare, he had refused, "delaying him utheris xxiiii houris upoun promeis at the end thairof to deliver thame to him." On the return of the said Alexander Nicolsoun, after the expiry of the said time, to the dwelling house of the said Alexander Gadderare, he found that Gadderare had "absentit and hid himself, and closit the yettis of his said hous, quhairthrow the said complenar mycht not get entre within the samyn; yit, having accidentlie louked in at the windo, he saw the said sheref-clerk writting ane reversioun, quhilk quhen he persavit he causit oppin his dur and of new promeist to deliver the saidis letters ower registrat or unregistrat betuix and nyne houris at evin, drifting and delaying tyme quhill he gaif advertisement to the saidis rebellis of his procedingis. And, albeit the said messinger past ower that schort space with the rest, lippynning for na forder schiftis nor delayis, the said sheref-clerk, at the last, planelie refusit ayther to register or redeliver the saidis letters, affirmying that he had rather tyne and lois his office nor to do ony thing hurtfull or prejudiciall to the saidis rebellis; and, to the effect the said messinger sould get na certificat upoun his refusall, he causit the haill notaris within Elgin absent thame selffis furth thairof; and swa, eftir the said messinger had remanit xlviii houris togidder upoun the ressait of the saidis letters, he wes movit at last to depart: quhairthrow the said sheref-clerk hes committit a manifest falset and dissait, to the stay and hinder of justice."—The said sheriff-clerk, having failed to appear this day and answer as charged, while the complainers appear by Mr Williame Leslie of , is to be denounced rebel.

Caution for Henry Kincaid and his son.

Caution by Henry Kincaid of Auchinreoch, as principal, and George Winrahame in Gogar myln, as surety for him, and by the said

persons for Johnne Kincaid, son of the said Henry, either of them in 2000 merks, that they will not harm Johnne Sympill of Foulwod. Acta 1591–94.

Caution for Lord Forbes.

Caution by Alexander Stratoun, fiar of Laurestoun (that Ilk), for Williame, Lord Forbes, that he shall fulfill, without contradiction, to Johnne, Master of Forbes, the decree pronounced by his Majesty, of date 8th January 1590 (see *ante*, p. 617).

Band for Ogilvy of that Ilk and others.

Registration, by Mr James Donaldsoun, as procurator for the surety, of a band of caution by James, Master of Ogilvy, for Gilbert Ogilvy of that Ilk, in 2000 merks, for Mr Gilbert Ogilvy, his son, in £1000, and for Robert Ogilvy, the said Mr Gilbert's brother, and Johnne Ogilvy of Pitpont, in £500 each, that Thomas Fothringhame of Powrie and Thomas Fothringhame, his eldest son, shall be harmless of the said persons. Subscribed at Ogilvy and Arbroith, 18th and 19th July, before James Ogilvy of Balfour, Johnne Carnegy of that Ilk, Thomas Sinclair of Finlarge, Archibald Drummond. Page 26.

Band for Maxwell of Tealing and others.

Registration, by Mr Williame Oliphant, as procurator for the parties, of a band of caution to the same effect by Alexander Balbirny, fiar of Enrychtie, and David Currour of Logymegill, for David Maxwell of Teilling, in 2000 merks, for Hew Maxwell, fiar of Teilling, in £1000, for Patrik and David Maxwellis, sons of the said David, and Thomas, George, Robert, and Hew Maxwellis, his brothers, in £500 each. Subscribed at Teilling, 18th July, before David Balbirny, father-brother to the said Alexander, David Arders, Williame Myller, and Gilbert Craufurd,—Andrew Gib, notary, subscribing for the said Thomas Maxwell.

Edinburgh, 22nd July.

Band for Fotheringham, younger of Pourie, and others.

Registration, by Mr Thomas Craig, as procurator for the sureties, of (1) Band of caution by Mr George Lundy, apparent of Gorthie, for Thomas Fothringhame, apparent of Powrie, in 2000 merks, and for Christopher Moncur, Robert Broun, Thomas Fothringhame, servitors in Powrie, Johnne Ramsay at the Myln of Balmuir, Thomas Nicoll there, Robert Mitchelsoun in Myrtoun; Williame Keill, Thomas Oliver, Adam Smyth in Brychteis, Henry Auchinlek in Murrois, Thomas Auchinlek, his son, George Nicoll and Gilbert Michelsoun in Ballothroun, in 300 merks each, that David Maxwell of Teilling, Gilbert Ogilvy of that Ilk, Coline Campbell of Lundie, Johnne Smyth and Johnne Tailyeour, tenants of the said David Maxwell of Teilling, Andro Wilkie, Johnne and James Wilkeis, his sons, tenants to the said Gilbert Ogilvy of that Ilk, and Johnne Smyth, tenant to Coline Campbell of Lundy, shall be harmless of the persons foresaid. Subscribed at Densyde, 20th July, before Williame Grahame of Clawrous (Claverhous), David Abircrumby of Gourdie, and James Lundie in Newbigging. Page 27.

Band for Fotheringham, elder of Pourie.

(2) Band of caution in 2000 merks by Williame Durehame of Grange for Thomas Fothringhame of Powrie that David Maxwell of Teilling and his colleagues foresaid shall be harmless of him. Subscribed at Grange, 21st July, before Johnne Durehame in Balhungrie, Johnne Donaldsoun, servitor in Powrie, and Christopher Moncur. (3) Band of caution by Johnne Ogilvy of Balnagarro for Johnne Ogilvy of

Acta 1591-94.

Innerichtie in 2000 merks, for David Ogilvy, his brother, in 500 merks, and for Archibald Ogilvy and Thomas Symsoun, his servants, in 300 merks each, that the said David Maxwell of Teilling and his colleagues foresaid shall be harmless of them. Subscribed at Innerichthie, 19th July, before Mr James Ogilvy and Alexander Ogilvy, sons of the late Sir Johnne Ogilvy of Innerichtie, Thomas Symsoun, Johnne Allane, and Abraham Pigot, notary. Band for Ogilvy of Innerichtie and others.

Registration, by Alexander King, as procurator for the parties, of a band of caution in £1000 by Johnne Lumisden of Cuscheny for Williame Strauchin of Glenkindie, that he will not harm James Robertsoun in Westir Lochell. Subscribed at Glenkindy, 17th July, before Williame Duncane, James Walker, reader at Cuscheny, Mr Robert Young and Adam Gordoun, notaries public. Edinburgh, 23rd July. Band for Strauchan of Glenkindy.

Page 28.

Caution by Johnne Hammiltoun of Drumry for Elizabeth Sympill, spouse of Robert Lindesay of Balhall, in 2000 merks, for Watte Grahame of Dougalstoun in 1000 merks, for Archibald Mathe, her servant, Walter Dalrumpill in Auchinhowie, Charles Campbell there, Martine Gawine there, Johnne Dalrumpill, Johnne Lopslie in Blairskeych, and James Dalrumpill there, in 500 merks each, that they will not harm Johnne Hammiltoun of Pardowie,—Hew Montgomerie of Hessilheid becoming cautioner in relief. Caution for Elizabeth Semple and others.

Registration, by Alexander King, as procurator for the parties, of a band of caution in £1000 by George Gordoun of Cokclaraquhe for Johnne Lumisden of Cuscheny, that he will not harm James Robertsoun in Westir Lochell. Subscribed at Cuscheny and Cokclarache, 17th July, before the same witnesses as in the Act before last. Band for Lumsden of Cushney.

Caution in 1000 merks by George Monro of Mekill Tarrell for Williame Hay, liferenter of Mayne, that Johnne Innes, younger, Johnne Innes, elder, Williame Innes, Williame Gibsoun, Mr James Gairdin, Johnne Gibsoun, Thomas Hay, Alexander Boyne, James Dowglas, Johnne Amand, Alexander Annand, James Guthrie, David Torre, Williame Young, Alexander Pringill, Robert Sutherland, Thomas Wamfray, James Reid, James Cuming, Robert Innes, James Innes, Johnne Innes, David Watt, Walter Auldcorne, James Ogilvy, Robert Winchester, and Johnne Andersoun, burgesses of Elgin, shall be harmless of the said Hay,—Alexander Hay of Eistir Kennet, Clerk of Register, fiar of Mayne, and the said principal, becoming sureties in relief. Edinburgh, 27th July. Caution for Hay of Mayne.

Caution by Williame Ruthven (Rouen), eldest son and apparent heir of Sir Williame Ruthven of Bandane, as one of the principals, and James Lindsay of Dowhill, as surety for him, in £500, and by the said principal and surety for the said Sir Williame in £1000, and for Robert Tailyeour, Willame Nauchtie, Williame Smyth, David Cob, Walter Proffeit, Robert Proffeit, Johnne Proffeit, Andro Stewart, Robert Hogstoun, James Young and Hercules Smyth, in 300 merks each, that they will not harm Williame Lowsoun in Lownan-myln. Caution for William Ruthven and others.

Edinburgh, 28th July. Caution for Hume of Huttounhall and his son.

Caution by Alexander Hume of Hutounhall, as principal, and James Wilkesoun of Newtoun-myln, as surety for him, and by the said principal and surety for Johnne Hume, eldest son and apparent heir of the said Alexander, in 1000 merks each, that Mr Mark Ker, prior of Cauldstreme, and Ker, factor of the said priory, shall be harmless of them,—John Andro subscribing for Wilkesoun. Acta 1591–94. Page 29.

Caution for Alexander Cunningham.

Caution in 300 merks by Alexander Cunynghame in the Tour, as principal, and Sir Andro Hammiltoun of Goslingtoun, as surety for him, that Robert Cunynghame, fiar of Skelmurlie-Cunynghame, Margaret Kelso, his spouse, and Williame Kelso, his servant, shall be harmless of the said principal,—James Lokhart of the Ley and the said Alexander becoming cautioners in relief.

Caution for John Crawford.

Caution in £500 by Williame Levingstoun of Jerveswod for Johnne Crawfurd in Grange, that he will not harm Alexander Mure of Skemure.

Edinburgh, 29th July.

Sederunt—Rex; Dux; Cancellarius; Hammiltoun; Huntlie; Seytoun; Newbottill; Murdocairny; Coldenknowis; Ormistoun; Secretarius; Clericus Justiciarie; Clericus Registri; Computorum Rotulator.

Act against armed convocation, especially in the leading of teinds.

The King and Council, considering "the barbarous and cruell murthouris and slauchteris universallie committit ower all pairtis of this realme, besydis the convocatioun of his Hienes lieges at all tymes in armes for bigging or casting doun of dykis, leiding of turvis and peittis, devyding of marcheis, and utheris caussis of licht importance, bot cheiflie for leiding of teindis this present seasoun of the yeir, quhairupoun hes followit and dalie is liklie to follow sindry deidlie feidis and utheris greit inconvientis, to the offence of God and greit contempt of his Majestie, his authoritie and lawis," have declared that, if any person shall presume in future to commit any of the crimes above mentioned, he shall incur his Majesty's displeasure, besides the ordinary pains of law. The King, "upoun advertisement to be gevin to his Hienes of the committing of ony sic deid," will repair to the place, apprehend the author thereof, and commit him to ward till justice be executed upon him; and, if the offender shall be a privy councillor or an officer of state, then besides being deprived of his "place, office and preheminence," he shall be "persewit and puneist maist extremelie." General proclamation hereof is to be made, with charge to the lieges to observe the peace, and, in particular, not to make convocation in arms for leading or resisting the leading of any teinds of this present crop.

Caution for the Abbot of Cambuskenneth.

Caution by Williame Cunynghame of Polmais-Cunynghame for Adam, Commendator of Cambuskynneth, that he shall pay to Patrik, Lord Drummond, so much of a sum of £2500, specified in a decree pronounced against him as cautioner for the said Commendator, as was paid to his Majesty before 2nd February 1585.

Caution in £1000 by Sir Andro Hammiltoun of Goslingtoun for James

Acta 1591-94. Lokhart of Ley, that he will not harm Alexander Wertoun, minister at Kilwynning. Caution for Lockhart of Lee.

Sederunt—Ut in die predicto. Edinburgh, 30th July.

Page 30. The King, with advice of his Council, ordains that all decrees and letters obtained by Mr Andro Melvile, principal of the New College of Sanctandrois, and Mr David Makgill of Neisbit, the King's advocate, for his Majesty's interest, against the provost, bailies, and town council of the city of Sanctandrois,—touching (1) the entry of Mr Williame Russell and Williame Leirmonth, two of the bailies thereof, in ward in Blaknes, (2) the returning of a band subscribed by the said defenders, obliging themselves and their successors in office, with the other townsmen of Sanctandrois, not to injure the rector or any other of the members of the said university, (3) the fulfilling by the said defenders of certain other conditions particularly expressed in the said letters, and (4) the putting to the horn of certain inhabitants of the said city for not answering to a complaint made against them by the said Mr Andro and advocate before the Secret Council (see *ante*, p. 639),—shall be put to farther execution in all points, notwithstanding any letters of suspension, supersedere, bills or deliverances thereof, granted to the contrary. An officer of arms is to charge the said defenders to return the said band so subscribed within the appointed time, "and in cais of failye" to denounce them and put them to the horn, as also to put to the horn the foresaid townsmen who had not appeared on a former occasion. The reason assigned for the decree is that no such "ressonabill offer" has been made by the said defenders, either to his Majesty or to the said Mr Andro Melvile, "as wes appointit" for their offence, nor has the said band been returned for the future safety of the members of the said university,—"as wes affermit be the said Mr Andro, and utherwayis verifiit be a testimoniall produceit be him, presentit in presens of his Hienes and the saidis Lordis, subscrivit be certane baronis and gentilmen quhilkis wer present of lait within the said citie, and hard sic thingis as wer proponit and spokin in this cais." Again in the matter of Mr Andrew Melville and the late riot in the city of St Andrews.

Johnne Bruce of Auchinbowie, appearing and giving in a copy of letters raised by David Somervile of Plane, and Alexander Somervile, his eldest son, charging the said Johnne to appear this day to answer to their complaint touching the "allegeit invasioun and persute of thame for thair slauchter, hurting and wounding of the said David in his schulderis and divers utheris pairtis of his body, and mutilating of him in his rycht leg," in March 1579, protests, in respect of the non-appearance of either the said David or the said Alexander, that he should not be held to answer farther in the matter till again warned; "quhilk protestatioun the saidis Lordis admittit." Protest for Bruce of Auchinbowie.

Registration, by Mr James Gray, as procurator for the parties, of a band of

Band for Lord Gray.

caution in 2000 merks by Patrik Ogilvy of Inchemartine for Patrik, Lord Gray, sheriff of Foirfair, that Thomas Fothringhame of Powrie, and Thomas Fothringhame, his eldest son, shall be harmless of the said "nobill lord." Subscribed at Inchemartine and Fowlis, 27th July, before Johnne Ogilvy, brother of the said Patrik Ogilvy, Gilbert Quhittet, Rannald Broun, and Johnne Allycht. Acta 1591-94. Page 31.

Edinburgh, 31st July. Caution for William Heriot.

Caution by Williame Harrat, younger of the Coittis (Westir Coittis), as principal, and David Edmestoun of Wowmat, as surety for him, in 500 merks, that he will not harm Johnne Gledstanis, Ormond pursuivant.

Edinburgh, 2nd Aug.

Sederunt—Rex; Cancellarius; Huntly; Newbottill; Spynie; Ormistoun; Coldenknowis; Murdocairny; Computorum Rotulator; Clericus Justiciarie; Collector.

To denounce Sinclair of Roslin.

Williame Sinclair of Rosling, having failed to appear this day to answer a charge "concerning his Hienes persoun and estate," is to be denounced rebel.

Proclamation for an armed levy to attend the King in person in his pursuit of the Earl Bothwell, Lord Hume, and other rebels.

The King and Council understanding "of the tressonabill practizes of Frances, sumtyme Erll Bothuile, and utheris his Hienes unnaturall and dissobedient subjectis, besydis the oppin rebellioun and dissobedience now professit be Alexander, Lord Hume, quha, to his Majesteis greittar contempt, having of lait joynit himself in cumpany with the said sumtyme Erll, and, thairby allowing and approving his formar unnaturall and tressonabill practizes aganis his Majesteis awin persoun, croun and estate, dois now quhat thay can, pairtlie be thair seditious entysementis of brokin men to participat with thame in thair rebellioun, and pairtlie be mutuall intelligence had with utheris of thair awin dispositioun, to steir up factionis, rebellioun and uprore, and at last civile weare," it is now declared that, for resisting the said traitors and repressing the broken men "sterit up be thame on the Bordouris," his Majesty intends to take the fields in his own person. "For quhilk purpois necessar it is that he be weill accumpaneit with his Hienes gude and weill affectit subjectis"; and therefore charge is to be given to all and sundry earls, lords, barons, feuars, freeholders, landed gentlemen, and substantial yeomen, together with the inhabitants of burghs between 60 and 16 years, dwelling within the shires of Edinburgh principal, and within the constabulary of Hadingtoun, Berwik and Roxburgh, by open proclamation at the market crosses of the head burghs of the same, to meet the King at Edinburgh upon the 6th of August instant, furnished with spears and guns, and provided to remain with his Highness "during the tyme of the necessitie of their service," under pain of loss of life, lands and goods.[1]

[1] The irrepressible Bothwell, whom his Majesty had pursued to the Borders a month ago with very incomplete effect (*ante*, p. 648, footnote), had lately shown himself, with much daring, in Leith and Edinburgh itself, during a temporary absence of the King in Fifeshire, putting the citizens in much alarm, and tasking the utmost vigilance of the Chancellor (see Calderwood, v. 138). He had now gone off to the Borders again.

Acta 1591-94. Caution by Mr Robert Douglas, provost of Lincluden, and Johnne Edzeare of Inglistoun, for Gilbert Kirko of Soundywell, that he shall underlie trial for the deforcing of Robert Maxwell, messenger, in the execution of letters of poinding raised against him by Thomas Smyth in Campstoun,—George Redik, notary public, subscribing for Edzeare. Caution for Gilbert Kirko.

Page 32. Registration, by Mr Oliver Colt, as procurator for the sureties, of a band of caution by George Hendirsoun, Johnne Broun, and William Wentoun (Ventoun), skinners, burgesses of Perth, for Johnne Melving, elder, skinner, burgess of Perth, Andro and Johnne Melvingis, his sons, and Robert Makbeth, miller, burgess there, in 300 merks each, that Duncane Eissoun, *alias* Makey, burgess of Perth, shall be harmless of the said persons. Subscribed at Perth, 31st July, before Andro Hendirsoun, "granater" of Scone, Mr George Ruthven, chirurgeon, burgess of Perth, Williame Ogilvy in Balgay, Robert Trumpat and Robert Blair, writers, Thomas Gaw and Thomas Nicoll, notaries, and Henry Broun,—the said notaries subscribing for George Hendirsoun, Johnne Broun, Melving, and his two sons. Band for John Melvin and others.

Caution by Moyses Wallace, skinner, burgess of Edinburgh, Robert M^{c}Baith, miller, burgess of Perth, and Andro Melvin, skinner, burgess of the said burgh, for Robert Quhittok, Johnne Burrie, Johnne Kirkcaldie, Williame Young, *alias* Suddas, James Andersoun, *alias* Petir Milleris, servants to the said Robert M^{c}Baith, and Duncane Malcolme, skinner in Perth, in 300 merks each, that Duncane Eysoun, merchant there, shall be harmless of them,—John Andro subscribing for Robert M^{c}Baith and Andro Melvin. Edinburgh, 3rd Aug. Caution for Robert Whittock and others.

Caution by James Dempstar of Eistir Inglismadie for James Dempstar of Petthill, and James Dempstar, his son, that they will not harm Johnne Hommill in Myresyde, under the pains in the letters against them. Caution for Dempster of Pithill and his son.

Sederunt—Domini ut in die predicto. Edinburgh, 4th Aug.

Complaint by George, Earl of Huntly, as follows:—Johnne Grant of Frewchy, having been "maist worthelie and lauchfullie" put to the horn by two several letters raised by the complainer, one for default of finding caution for the indemnity of the complainer's tenants and servants, and the other for default of finding surety in £5000 for his appearance to underlie the laws for the slaughter of Johnne Gordoun of Birsmoir, had obtained, "upoun certane frivoll allegeances," suspension of the said letters till the 20th May last (*ante*, p. 626). Upon that day and for several days thereafter the complainer's procurator had awaited "upoun the calling of the saidis letters of suspensioun," but the said Johnne, "knawing himself unabill to justifie the ressonis of the same suspensioun," had delayed the calling of the same till the said Earl's procurator, "upoun certane his wechtie effaris, behovit to be absent." Then in the absence of the procurator, Grant had obtained a farther suspension of both the said New order in the matter of the feud between the Earl of Huntly and the Laird of Grant.

letters till they should be produced and he warned of their production. The complainer is now ready to produce the said letters and have the cause heard.—Charge having been given to Mr James Grant, procurator for the said Johnne, his brother, to appear this day and produce the said letters of suspension for consideration, and the Earl appearing by Gordoun of Knokespik, his procurator, and the said Johnne Grant by Williame Banerman, his procurator, who produces the said letters, the Lords, after hearing parties, ordain the letters obtained by the Earl touching the indemnity of his tenants and servants to be put to further execution, notwithstanding the said letters of suspension. Acta 1591-94. Page 33.

Act discharging the act recently obtained by Mr William Leslie in confirmation of his tack of the bishopric of Ross, and ratifying the previous Acts of Parliament and Council disabling the ex-bishop of Ross and other such forfaulted and excomunicated persons, adversaries of the true religion, from granting such tacks or otherwise exercising civil rights within the kingdom.

Although "it is maist wyislie and prudentlie providit be divers Actis of Parliament and Secreit Counsall respective that na maner of personis, sustenand the proces of forfaltour, barratre or excommunicatioun, for not professing of his Majesteis obedience and geving confessioun of thair fayth, sould be ressavit agane to his Majesteis obedience, or enjoy ony benefice within this realme quhill thair lauchfull relaxatioun and absolutioun fra the saidis sentencis and acknawlegeing of his Majesteis obedience, his authoritie and trew religioun," yet "divers and sindry personis, aganis quhome the sentencis foirsaidis hes bene led for the caussis befoir mentionat, and specialie the Bischopis of Glasgow, Rois, and Dunblane, obtenit certane pretendit retrettingis of the saidis sentencis, at the leist dispensationis of the not geving the confessioun of thair fayth, and in the menetyme ordaning thame to be ansuerit of thair levingis, and the Lordis of Sessioun to proceid and minister justice in thair caussis, nochtwithstanding of thair saidis confessionis." To remedy the "inconvenient that wes abill to follow be disquieting of the present estate and trew religioun," his Majesty, with advice of his Council, had ordained, by a special Act, dated 29th May 1589 (*ante*, p. 388), that the said Acts of Parliament should continue in force against the said three Bishops and all others similarly circumstanced, and had discharged all the said dispensations or other indulgences contrary to the tenor of the said Acts; and by this special Act of May 1589 the Lords of Session "hes bene in use to juge and decyde," especially in actions relating to the said Bishop of Ros, as the decrees and interlocutors of the said Lords shew. Nevertheless, Mr Williame Leslie of Civilie, alleging that he had received from Johnne, sometime Bishop of Ros, a tack of the whole bishopric of Ros, dating from the ratification of the general Pacification by Parliament in 1587, had, "be sinister informatioun and narratioun," obtained an Act of Council, dated 23rd June last (*ante*, p. 641), decerning all tacks made out of the bishopric by the said Bishop of Ros since his restitution to the said Mr Williame to be in all time coming sufficient titles and rights to the said Mr Williame "for brouking and josing thairof," notwithstanding the prior Acts of Parliament and Council to the contrary.—Considering all this, the King and Council now declare the said recently obtained Act of Council to have been passed "maist inconsideratlie and inordourlie," not only to the prejudice of the said Acts of Parliament and Council, "bot

Acta 1591–94. alsua to the detriment and greit hurt of the provisioun of the ministeris of Goddis word within this realme, and generall ordour of dissolutioun of benefices annext to prelaciis condiscendit and aggreit upoun be his Majestie and Kirk to be tane for provisioun of the ministerie quhenas the saidis benefices sal happin to vaik in tyme cuming: quhilk dissolutioun hes pairtlie tane effect in the said bishoprik of Ros be the provisioun of ane pairticular pastour to the kirk of Tarbert, and dispositioun of the parsonage and vicarage thairof to him for his service, lang befoir the granting of the said Act in favour of the said Mr Williame."

Page 34. Wherefore, the King and Council now ratify the foresaid Act of Council of 29th May 1589, and discharge *simpliciter* the Act of Council made in favour of Mr Williame Leslie and others upon 23rd June last, decerning all that has followed thereupon to be null.

James Lindsay and others against the provost and bailies of Dundee, in the matter of the ship arrested at Dundee by a previous order of Council.

Complaint by James Lindesay, burgess of Dunde, for himself and the other owners of the ship called "the Thomas of Dunde," as follows:— Upon 12th March last the complainers, in presence of the dean of guild of Dunde, had freighted their said ship to Thomas Ogilvy and James Flescheour, burgesses of the said burgh, to Zeitland, trusting that nothing would happen whereby "ayther thameselffis or thair said schip mycht have bene perellit, bot that thay sould have accomplissit thair vayage lefullie." But the said Thomas Ogilvy, shortly after his arrival in Zeitland, intromitted, by what authority the complainers know not, with a great part of the goods of a ship of the town of Danskin, belonging to the Duke of Florens; "the report quhairof cuming to the magistrattis of the said burgh, and thay finding the said Thomas proceding to tuiche thame and the haill inhabitantis of the said burgh, in particulair seing the said Thomas, speciall committar of that wrang, wes ane of thair nychtbouris," there had been complaint by them to the King and Council, and, "upoun thair supplicatioun gevin in in name of the haill burghs of this realme," letters had been obtained for arresting the said ship and intromitting with her goods for the use of the just owners (*ante*, p. 627). By virtue of these letters, they, in April last, "upoun the first arryvall of the said schip within thair harbrie," had arrested the said ship with her whole ladening, and they have held her under arrestment ever since, "to the said complenaris greit hurt and wrak, and perelling of the said schip, thay being bot meane men, having na thing to leif upoun bot the commoditie that thay ressave be hir, scho being now greitlie hurt be the injurie of the sey and in point to pereis and hir haill laidynning."— Charge had been given to James Forrester, Williame Man, and James Auchinlek, bailies of the said burgh, to have disburdened the said ship of her whole goods and "sellarit the same upoun inventure," within three days after charge, to be furthcoming to all parties having right, so that thereafter the complainers might "beit, mend and reparrell" her for their profit, or else to have appeared and shown cause to the contrary, under pain of rebellion; and now, James Lindesay appearing for himself and the other owners of the said ship, and the provost and bailies by Johnne

Lovell, burgess of Dunde, their procurator, the Lords ordain the said arrestment to be loosed and the ship to be disburdened of all the goods within her taken from the said ship of Danskin, the same to be delivered upon inventory to the said provost and bailies, who shall sell as much thereof as "will not keip unspilt," and make forthcoming to all parties interested the money received for the said goods, "together with the remanent gudis to be ressavit be thame in maner foirsaid." Acta 1591-94.

Caution for John Welwood and George Abercromby.

Caution by George Dowglas of Sanct Germanis for Johnne Walwod, elder, portioner of Touch, and George Abircrumby, son of the late Andro Abircrumby of Urquhart, in 500 merks each, that the bailies, council, and inhabitants of Dunfermling shall be harmless of them.

Caution for Thomas Cuthbert.

Caution in 300 merks by David Moncreif of Tippermalloch for Thomas Cuthbert in Westwod of Methven, that he will not harm Johnne Hutoun in Arlich,—John Andro subscribing for Cuthbert. Page 35.

Caution for Robert Baptie.

Caution in 500 merks by Johnne Baptie of Elstanefurd for Robert Baptie in Leyth, that he shall answer before the Council upon 13th instant to a complaint of Johnne Bellenden in Leyth.

Caution for William Wallat and others.

Caution by James Kelloch of Pittravie and Andro Wallat of Crocegait for Williame Wallat, portioner of Touch, in 1000 merks, and for Abraham Wallat, his brother, and Abraham Wallat, son of Johnne Wallat, younger, in 300 merks each, that the bailies, council, and inhabitants of Dunfermling shall be harmless of the said persons,—John Andro subscribing for Andro Wallat.

Edinburgh, 5th Aug. Caution for Mure of Skethmure.

Caution in £500 by Williame Sellair of Cowhill for Alexander Mure of Skethmure, that he will not harm Johnne Craufurd in Grange.

A Convention of Estates.

Edinburgh, 6th Aug.

Sederunt—Rex; Cancellarius; Lennox; Hammiltoun; Huntlie; Rothes; Maxwell; Lindesay; Newbottill; Levingstoun; Flemyng; Spynie; Secretarius; Ormistoun; Coldenknowis; Murdocairny; Clericus Justiciarie; Computorum Rotulator; Collector; Clericus Registri; Colluthy; Carmichaell.

Act anent the Cunyie.

Act anent the Cunyie. (See it printed in full in Acts of Parl. iii. 326, 527.)

Band by certain Lairds and others for obedience to the King against Bothwell, Hume, and the other rebels.

The subscribers faithfully promise to serve and obey the King, his lieutenants and wardens, "in all thingis tending to the advancement and furthsetting of his Majesteis authoritie," and in particular in the pursuit of Frances, sometime Earl Bothuill, Alexander, Lord Hume, and other declared traitors, their assisters, resetters and intercommuners. Should any of the said rebels come within the bounds or lands of the said subscribers, they will apprehend them if they can, "or utherwayis sall schowte and rais the fray" with their whole forces, and join "aufauldlie with utheris" against them, or repair to the King's lieutenants, wardens Page 36.

Acta 1591–94. or commissioners, and assist in their pursuit and expulsion from the country. Further, "the skayth, harme nor subversioun of his Majestie, his present estate nor authoritie, we sall not knaw nor procuir be ony meanis, bot disclois and impeid the samyn to oure utter poweris," and, finally, they engage for the present to lay aside all quarrels and deadly feuds amongst themselves, and not on any account to "schrink frome his Majesteis service,"—all as they shall answer to Almighty God and to his Majesty upon their faith, honour and allegiance, and under the penalty of
Page 37. 10,000 merks each. Subscribed at Edinburgh, this 6th August, by Cesfurde, Bukcleuch, Johnne Edmonstoun, G. Houm of Broxmouth, G. Lauder of Bas, Andro Ker of Lyntoun, James Douglas of Cavers, David Rentowne of Billie, Alexander Diksoun, George Trottar of Keirtoun, J. (?) Reidpeth, Williame Reidpeth, Johnne Graden, Williame Furd, Johnne Rutherfurd, and also by of West Neisbit, Watt Turnbull of Bedroule, Johnne Turnbull of Mynto, Hector Turnbull of Wauchop, Robert Diksoun of Buchtrig, Andro Diksoun of Belchester, George Haitlie in Hordlaw, and Johnne Graden of Ernislaw, these last eight with their hands at the pen led by John Andro.

Caution for Cuthbert Steel and others.

Caution by Robert, Master of Eglintoun, and Johnne Montgomery of Scottistoun, for Cuthbert Steill in Balgray, Robert Steill, his son, there, Robert Steill, brother-son of the said Cuthbert, Williame Dikkie there, Johnne Cumyng, elder, there, and Robert and Thomas Cumyngis, his sons, in 300 merks each, that they will not harm Johnne Cumyng, younger in Balgray.

Caution for Crawford of Kipbyre and others.

Caution by James Crawfurd of Kipbyre, as principal, and Johnne Crawfurd, bailie of Monkland, as surety for him, in £1000, and by the said principal and surety for James Crawfurd, son of the said James, and Thomas Crawfurd, his brother, in £500 each, that they will not harm Mr Johnne Mureheid of Bendanhill,—John Andro subscribing for Crawfurd of Kipbyre.

Band for Robert Leslie of Auldcraig and others.

Registration, by Alexander King, as procurator for the parties, of a band of caution by Duncane Leslie of Pitcapill for Mr Robert Leslie of Auldcraig in 1000 merks, and for Johnne Senyeour, Johnne Seytoun, James Muredour, Andro Muredour, Williame Broun, Alexander Keyth, tenants of the Kirktoun of Daviot, Williame Elphingstoun, David and Johnne Lecheis, Thomas Chepman, Andro Duncane, and Alexander Hall, in Auldcraig, in 300 merks each, that Johnne Seytoun of Petblain, Johnne Irwing in Kirkland of Daviot, Niniane Seytoun, Mathew Broun in Petblain, Johnne Finlay in Newcraig, Alexander Endeauch, Adam Hendirsoun there, Patrik Quhyte in Pettynnony, Johnne Quhyte there, Thomas Finlay there, Williame Quhyte, William Andersoun there, Alexander Myln, Alexander Andersoun, Alexander Patrie there, shall be harmless of the said persons. Subscribed at Petcapill, 1st August, in the presence of Patrik Meldrum, James Leslie, Alexander Leslie, and Alexander Beth.

Edinburgh, 7th Aug.

Sederunt—Domini ut in die predicto. Acta 1591–94

The expedition against Bothwell now unnecessary, and the armed levy ordered for that purpose stayed.

Whereas, in consequence of the treasonable proceedings of Frances, sometime Earl Bothuill, "to the troubling and disquieting of the realme, namelie in the boundis ewest the Bordouris foiranent England," his Majesty, with advice of his Council, had resolved to "have riddin in propir persoun to the Bordouris" and had commanded his subjects in divers shires to "have convenit and accumpaneit" him (*ante*, p. 662), and whereas, since that order, his Majesty finds "sum of the cheif personis suspect culpabill in the lait disorderit contempt to have repentit thame thairof, and, quhill tryell of thair pairtis, to have voluntarilie offerit thameselffis in his Hienes ward," and his Majesty "alwayis hes bene and is inclynit to saulff all his nobilitie and loving subjectis that, in loving feir and obedience, hes submittit thame to his clemencie": therefore, "being informit that the said Frances, sumtyme Erll Bothuill, cheif author of the said disordour, is now fugitive," and being "nawayis willing that his loving subjectis salbe extraordinarlie or untymouslie burdynnit with service," his Majesty now, with advice of his Council, has thought fit "to stay his riding towartis the Bordouris at this time," and ordains intimation to be made accordingly at the market crosses of Edinburgh, Lawder, and other places needful, discharging the subjects for the present from all convening at the day and place appointed.[1]

Parliament to be proclaimed.

The King, with advice of his Council, ordains the director of chancery to direct precepts for proclaiming a parliament to be held at Edinburgh 20th November next, and to require the attendance of "all personis quhilkis ar subject to gif vote and presens thairin, or that utherwayis hes to persew or defend in the samyn." Page 38.

Caution for Scott of Branxholm.

Caution in £10,000 by Sir James Scot of Balwery and Williame Scot of Abbotishall for Sir Walter Scot of Branxholme, that he shall go abroad within a month from the date of this order, and not return within the next three years.

Edinburgh, 9th Aug.

Caution for Mr Archibald Wilkie.

Caution by Mr Archibald Wilkie, burgess of the Cannogait, as principal, and Hector Clavie and Hary Huntar, burgesses of the same, as sureties for him, in 500 merks, that he will not harm Alexander Symsoun, son of Alexander Symsoun, burgess of Hadingtoun, or David Fores, son of David Fores there.

[1] In explanation of this order it may be mentioned that within the preceding few days the Earl Marischal, for supposed complicity with Bothwell, had been warded in Edinburgh Castle. Lord Hume had thrown off his connection with Bothwell and entered himself in ward in Blackness Castle, and Sinclair of Roslin had also submitted. Bothwell was now, as the order states, a fugitive on the Border very much by himself, if indeed he had not withdrawn for the while into England. On the 4th of August, according to Calderwood (v. 138, 139), he had been "denuded, by publict proclamation at the Cross of Edinburgh, of all honours, offices, an digniteis, as the Admiralitie of Scotland, the shireffship of Lothiane, Merce and Berwick," the Duke of Lennox being proclaimed admiral and sheriff instead.

Acta 1591-94.

Caution by James Mureheid, younger of Lawchop, and Mr Johnne Mureheid of Bradanhill, as two of the principals, and Johnne Hammiltoun, younger of Wodhall, as surety for them, and by the said principals and surety for James Mureheid, elder of Lawchop, Thomas Mureheid and Claude Mureheid, his sons, James Mureheid of Braidschaw, James Mureheid of Schawfute, and Johnne Mureheid in Glasgow, that James Craufurd of Kipbyre, James Craufurd, his son, and Thomas Craufurd, his brother, shall be harmless of the said persons, under the penalties following, viz.: Mureheid, elder of Lawchop, £1000; Johnne Mureheid, 1000 merks; James Mureheid, 1000 merks; Muirheid, younger of Lawchop, £500; Mureheid of Braidschaw, 500 merks; and each of the others £500. Edinburgh, 10th Aug. Caution for James Muirhead and others.

Registration, by two of the principals and by Mr Johnne Moscrop, as procurator for the surety, of a band of caution by Thomas Ker of Caveris for Williame Lawder of Quhitslaid in £1000, and for Thomas and James Lawderis, his brothers, and Johnne Hoppringill of Muirhous, in £500 each, that they shall answer before the Council, upon 1st October next, to a complaint of George Hoppringill of Torwodlie, and Hereot younger of Trabroun, "tuicheing the slauchter" of David Tailyeour. Subscribed at Edinburgh, 7th August, before Robeine Ker of Newtoun, and George Ker, brother of the said Thomas. Caution for Lauder of Whitslaid and others.

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Sederunt—Cancellarius; Newbottill; Clericus Justiciarie; Secretarius; Murdocairny; Ormistoun. Edinburgh, 11th Aug.

Complaint by James Hoppringill of Torsons that he has been put to the horn for his alleged non-payment, to the collector of the barons' tax of £40,000 within the shire of Berwik, of 30s. for his part of the third and last terms' payment of the said tax for his lands of Fawnis within the said shire. The said horning has been wrongfully executed against him, because he had paid the said sum *bonâ fide* to Alexander Young, messenger, under-receiver of the taxation of the said shire, before he had been put to the horn, as his acquittance shown to the Council bears.—The complainer appearing personally, but the said Alexander failing to appear, the Lords suspend the letters. Suspension of horning against Hoppringle of Torsonce.

Complaint by Margaret Chalmer, Lady Trochrig:—Johnne Kennedie of Blairquhan, or at least Hew Kennedie of Girvanmanis and Josias Stewart, with others of the said Laird's friends and servants, "all bodin in feir of weir," and instigated by him, came, upon 3rd instant, at 3 o'clock in the morning, to the complainer's dwelling house in Trochrig, where she and her family "wer in thair beddis for the tyme, takand the nychtis rest," and there "violentlie brak up the yettis of hir said hous, enterit within the samyn, revessit and careit hir with thame to the place of Dalquharren, quhair thay yit keip and detene hir in firmance and captivitie, intending ayther to compell hir to accept sum of thame in mariage, or ellis to attempt sum violence and injurie aganis hir."—Charge had been given to the said Johnne Kennedie and Josias Stewart to release the said lady Lady Trochrig against John Kennedy and others for abduction.

within six hours or else present her before the Secret Council, or to show cause to the contrary; and now, the complainer appearing by Andro Chalmer, her brother and procurator, who affirms that she is still detained, and the said Johnne and Josias not appearing, the Lords ordain them once more to put her to liberty within six hours after being charged, under pain of rebellion. Acta 1591–94.

Graham of Knockdolian against the Master of Eglinton.

Complaint by Sir Thomas Lyoun of Auldbar, treasurer, Sir Robert Melvill of Murdocairny, treasurer-depute, and Johnne Grahame of Knokdoliane, for his interest, as follows:—Thomas, Lord Boyd, having been denounced rebel at the instance of the said Johnne, letters had been directed charging the said Lord to render his houses of Kilmarnok and Page 41. Plane of the Law to the appointed messenger within a certain time, under pain of treason; "quhilk houssis, for a cullourit maner of obedience, he randerit and deliverit to the said messinger, and sensyne be sum prevy moyen hes surreptiouslie purchest ane warrand of his Majestie direct to the said officiar for randering of the same houssis to Robert, Maister of Eglintoun; quhilk warrand being obeyit, and the saidis houssis deliverit to the said Maister, he hes redeliverit the same to the said Lord,—at the leist he hes fre acces at all tymes within the samyn, and the said Maister kepis and detenis the same to the use and behuif of the said Lord." This is not only an encouragement to him in his rebellion, but a bad precedent.—Charge having been given to the Master of Eglintoun to deliver the said houses to Grahame or else to appear and show cause to the contrary, and Grahame appearing personally, but the said Master not appearing, the Lords ordain letters to be directed charging the Master to deliver the said houses to the said Treasurer or his depute, to be kept at the expenses of the said Lord's rents during the time of his rebellion, within 48 hours next after the charge, under pain of treason.

Edinburgh, 12th Aug. Caution for John Johnstone.

Caution in 300 merks by Archibald Dowglas of Stanypeth and Robert Johnnestoun in Blyith for Johnne Johnnestoun, son of the said Robert, that he will not harm James Fowlis of Colintoun,—John Andro subscribing for the cautioners.

Band for Lindsay of Balhall.

Registration, by the principal and Mr Johnne Prestoun, as procurator for the surety, of band of caution in £1000 by James Scrymgeour of Dudop for Robert Lindsay of Balhall, that he will not harm Issobell Forbes, relict of Thomas Ogilvy of Westir Persy. Subscribed at Edinburgh, 7th August, before Mr Adam Hall, Mr Patrik Wischert, and Johnne Arnot and Walter Dog, servitors to Mr Johnne Lindsay.

Edinburgh, 13th Aug. Caution for the inhabitants of Dunfermline.

Caution in 1000 merks by Thomas Coupar, Robert Patoun, and David Broun, burgesses of Dunfermling, as principals, and Johnne Dowgall, younger, burgess of Edinburgh, as surety for them, and by the said principals for the bailies, council, and community of the burgh of Dunfermling, that they will not harm Williame Wallatt or Abraham Wallatt, portioners of Touch.

Acta 1591-94. Page 42.

Caution in by Williame Ros, apparent of Kilrawak, for Thomas Hay, burgess of Elgin, that Alexander Hay of Eistir Kennet, Clerk of Register, fiar, and Williame Hay, liferenter, of the lands of Mayne, shall be harmless of him. Edinburgh, 14th Aug. Caution for Thomas Hay.

Registration, by Mr Johnne Makgill, as procurator for the parties, of a band of caution by Williame Hume of Aytoun, as one of the principals, and David Rentoun of Billie, as surety for him, in £1000, and by the said Williame and David for George Cosser in Hassingtoun, Robert and Johnne Cosseris there, in £500 each, that Robert Diksoun, elder of Over Manis, Robert, Johnne and Mr Alexander Diksonis, his sons, Alexander Diksoun of Newbigging, James and Robert Diksonis, his brothers, Johnne Diksoun of Newtoun, Williame Diksoun, in Newbigging, Patrik Diksoun, brother of Johnne Diksoun, called the Loneheid, Sir Johnne Edmonstoun of that Ilk, Williame Diksoun in Ednem, Johnne Diksoun, his brother, George Diksoun in Harlaw, and Johnne Diksoun, his son, shall be harmless of the said persons. Subscribed at Houndwod, 14th August, before Robert Hume, Johnne Lamb, Williame Carmichaell, and Alexander Scheill, servitors to the Laird of Aytoun,—John Horne, notary public, subscribing for those who cannot write. Edinburgh, 15th Aug. Band for Hume of Ayton.

Caution in 500 merks by Johnne Pitscottie, apparent of Loncardie, for Duncane Eyssoun, *alias* M^{c}Kay, burgess of Perth, that Andro Melvill, Johnne Melvill, elder, and Johnne Melvill, younger, skinners and burgesses there, shall be harmless of him. Edinburgh, 16th Aug. Caution for Duncan Esson.

Caution in £1000 by Williame Grahame of Panhoillis for Alexander, Bishop of Brechin, that James, Lord Ogilvy, James, Master of Ogilvy, his son, and Johnne Ogilvy of Craig, shall be harmless of the said bishop. Caution for the Bishop of Brechin.

Registration, by Mr Alexander King, as procurator for the parties, of a band of caution in 10,000 by Mr George Lawder of Bas, and Andro Edmestoun, fiar of Edmestoun, for Williame Sinclair of Rosling, that he shall appear before the King and Council upon 4th September and answer to such things as shall be inquired of him "concerning his Hienes persoun and estate," conform to the letters executed against him, but suspended to 10th of the same. Mr David Makgill of Neisbit, King's advocate, is to be summoned to produce the said letters upon 4th September. Subscribed at Edinburgh and Beill, 14th and 15th August, before Oliver Sinclair of Ravynnisnuke, Mr Alexander King, advocate, James King, his brother, Adam Cowper, writer, James Marjoribankis, servitor to the said Laird of Bas, Henrie Sinclair of Quhytekirk, and Johnne Finlaysoun. Caution for William Sinclair of Roslin.

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Registration, by Mr Johnne Moncreif, as procurator for the surety, of a band of caution in 500 merks by Alexander Robertsoun, apparent of Fascalye, for Duncane Aysoun, *alias* M^{c}Kay, burgess of Perth, that Robert M^{c}Bayth, miller, burgess of the said burgh, shall be harmless of him, conform to the letters of lawburrows dated at Edinburgh 2nd instant. Subscribed at Perth, 12th August, before Williame Lawder, Johnne David- Caution for Duncan Esson.

soun, son of James Davidsoun, "lorymer," burgesses of Perth, Gilbert Robertsoun, Johnne Gellatlie, writers in Perth, and Alexander Robertsoun, notary, who subscribes for the said principal. Acta 1591-94.

Edinburgh, 17th Aug. Caution for Robert Cunningham.

Caution in 1000 merks by Sir Andro Hammiltoun of Goslingtoun for Robert Cunynghame, constable of Dunbartane, that he will not harm Archibald, Earl of Ergyle, his tenants or servants.

Caution for Henderson and Kinglassie.

Caution by Mark Swyntoun of Lowskour for Michaell Hendirsoun and Harie Kinglassie, in 500 merks each, that Helene Pont, relict of Williame Mowbray in Innerkething, James Baverage, now her spouse, Cristiane Mowbray, relict of Edward Hart, goldsmith, burgess of Edinburgh, and Alexander Wilsoun, now her spouse, shall be harmless of them.

Caution for Moncur of that Ilk.

Caution in £2000 by Williame Drummond of Belleclone for Andro Moncur of that Ilk, that the bailies, council and inhabitants of Forfair shall be harmless of him, in particular in the possession of their common muir called the King's Muir.

Caution for the Constable of Dundee.

Caution in £1000 by Mark Swyntoun of Lowskour for Sir James Scrymgeour of Dudop, constable of Dunde, that he will not harm Gilbert Ray in Cammo, burgess of Perth.

Edinburgh, 18th Aug. Caution for Robert and James Chancellor.

Caution by Johnne Symontoun, younger of that Ilk, for Robert Chancellar, son of Williame Chancellare of Scheilhill, in 500 merks, and for James Chancellare in Quothquen, in 300 merks, that they will not harm Johnne Gledstanis, Ormond pursuivant.

Edinburgh, 19th Aug. Caution for Lyell of Murthill.

Registration, by Mr Johnne Dempstar, as procurator for the parties, of a band of caution by David Dewchar, fiar of that Ilk, for Thomas Lyell of Murthill, that the provost, bailies, council, and community of Forfair shall be harmless of him, under the pain mentioned in the charges given thereanent. Subscribed at Keirmure, 17th August, before Thomas Ogilvy of Littill Kany, Johnne Mychell in Keirmure, David Heswall there, and George Stevinstoun and Abraham Pigot, notaries. Page 44.

Edinburgh, 20th Aug. Caution for Harry Greg.

Caution in 500 merks by Harie Greg of Hauch of Fongarth, as principal, and Williame Banerman of Craigie, as surety for him, that he will not harm Johnne Hall of Newtyld, or David Hall, his son.

Caution for Cunningham of Craigens.

Caution in 1000 merks by Mr James Fowlis, apparent of Colingtoun, for Alexander Cunynghame of Craganis, that he will not harm Alexander Cunynghame, brother of Williame Cunynghame of Tourlandis.

Edinburgh, 21st Aug. Caution for John Innes.

Caution in £500 by Williame Gibsoun and Thomas Hay, burgesses of Elgin, and George Madre (? Mudie), burgess of Dunde, for Johnne Innes, elder, burgess of Elgin, that he will not harm Alexander Hay of Eistir Kennet, Clerk of Register, fiar, or Williame Hay, liferenter, of the lands of Mayne.

Caution in 1000 merks by James Twedy of Drummelzeare for Johnne

Acta 1591-94. Lindesay of Birthwod, that he will not harm Williame Baillie of Lamyngtoun. Caution for Lindsay of Birthwood.

Registration, by Mr Henry Balfour, as procurator for the surety, of a band of caution by Sir James Scot of Balwery for Williame Scot of Abbotishall in 1000 merks, and for Robert Scot, his servant, in 300 merks, that Margaret Balmanno, and Henrie Bonar at Lumquhat-myln, her spouse, shall be harmless of them. Subscribed at Killerny, 22nd August, before Johnne Kynnard, Patrik Kynnard, Robert Scot, and James Stevinstoun, servants to the said Sir James. Edinburgh, 23rd Aug. Band for Scott of Abbotshall and his servant.

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Caution in 1000 merks by Sir Archibald Naper of Edinbillie, and Frances Naper, assayer of the cunyiehouse, for Johnne Naper, eldest son and apparent heir of the said Sir Archibald, that James, Earl of Murray, Archibald Edmonstone of Ballintone, Paull Dog of Dunrobin, Williame Grahame of Panhoillis, James Balfour of Boghall, Johnne Balfour of Makempstoun, Johnne Dog of Gartoncabir, and George Grahame of Boquhoppill, possessors of the lands and barony of Cossintullie, shall be harmless of the said Johnne.[1] Caution for John Napier.

Caution, to the same effect, in 1000 merks, by the said Sir Archibald for Walter Grahame in Daldurane, and James Grahame, his son. Caution for Walter Graham

Registration, by Mr Williame Hart, as procurator for the surety, of a band of caution by George Drummond of Balloch for Mr Henry Makcalyeane, advocate, and Jonet Gilbert, his spouse, in £1000, and for Mr Johnne Broun, Thomas Scot, Johnne Williamsoun and James Farum, servitors to the said Mr Henry, David Gilbert, goldsmith, burgess of Edinburgh, and Johnne Batie, also burgess there, in 500 merks each, that Joseph Douglas of Pumfrastoun, James Johnnestoun in Cliftoun, Robert Johnnestoun there, Robert and James Douglassis there, James Stevinstoun there, Williame Huntar there, Williame Young there, Mongo Stevistoun there, Williame Bischop there, Williame Lyn in Cliftounhallmyln, Thomas Scheill, Johnne Broun, Johnne Inglis, James Reid, James Andersoun, George Dowglas, Archibald Douglas in Langtoun, Johnne Dowglas in Scheill, James Broun in Barnsyde, Alexander Mortoun, Gawin Mowat, James Brounley and Patrik Barroun in Kilpont-myln, shall be harmless of the said persons. Subscribed at Edinburgh and Balloch, 20th August, before Patrik Murray of Lochlan, Mr Moreis Drummond, tutor of Borland, Johnne Adie, Harie Drummond, and Patrik M°intyre, servants to the said George. Band for Mr Henry Mackalyean and others.

Registration, by Mr Richert Spens, as procurator for the principals, of a band of caution by Sir Archibald Naper of Edinbillie for Walter Grahame, liferenter of Drumleane, in 1000 merks, and for James Grahame, his son and fiar thereof, that the feuars of the barony of Cassintullie and Boquhoppill shall be harmless of them, conform to the King's letters dated 6th August. Subscribed at Downe in Menteith, 21st August, before Johnne Naper, fiar Band for Walter Graham and his son.

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[1] This is the great Napier, and seems to be the first direct mention of him in the Register. See *ante*, p. 329, footnote.

of Merchanistoun, Williame Balfour, servitor to James Grahame, and James Angussone, servitor to the said Walter,—Robert Fogo, notary public, subscribing for the said Walter Grahame, because he cannot write. Acta 1591-94.

Edinburgh, 25th Aug. Caution for Alexander Waterston.

Caution in 300 merks by Robert Lindsay of Balhall for Alexander Watterstoun, son of Richart Watterstoun in Bannakeith, that Thomas Watterstoun of that Ilk, James Watterstoun, fiar of that Ilk, David Cuik in Watterstoun, Alexander Adam there, Henry Modellie there, Williame Robertsoun there, Symon Chaip there, George Petir there, and David Caidenheid, shall be harmless of him.

Stirling, 27th Aug. Renewed Act against transporting wines from French ports to certain other parts of France.

As, notwithstanding the proclamation of 14th August 1590 discharging the lieges from transporting any wines bought by them in the town of Burdeaulx or in any other part of France to the towns of Newhavin, Sanct Valleriis, or other places inhabited by Papists disobedient to their native king, or from trafficking with them, under pain of confiscation of ships and goods, with the rest of their moveables (*ante*, p. 526), many persons have incurred the said penalties when his Majesty shall be pleased to take trial of their offence, and as his Majesty "is informit thay intend to continew in the lyke contemptuous dissobedience this year," officers of arms are to make fresh proclamation of the former ordinance at the market crosses of the head burghs, at the towns of the coast of Fyff, and at the haven and pier of Leith.

Band for Hume, fiar of Ayton.

Registration, by Mr Oliver Colt, as procurator for the parties, of a band of caution in 1000 merks by George Hume of Weddirburne for Patrik Hume, fiar of Aytoun, that Robert Diksoun, elder of Overmanis, and those conjoined with him in a former Act (*ante*, p. 671), shall be harmless of the said Patrik. Subscribed at Weddirburne, 18th August, before Mr David Hume, brother of the said George, Thomas Dowglas, Johnne Craw (Auchincraw), and Alexander Hume, servant to the said Patrik.

Edinburgh, 29th Aug. Scott of Buccleuch relieved of the keeping of Liddesdale.

Sir Walter Scott of Branxhelme having been licensed to depart furth of this realm and appointed to remain abroad for a certain period, his Majesty, with advice of his Council, relieves him of the keepership of Liddisdaill (*ante*, p. 649), and ordains the Clerk of Council to delete the Act out of the books of Council obliging him for the entry of Armstrang of Mangertoun, because he lately entered the said Armstrang. Page 47.

Edinburgh, 30th Aug. Caution for Mr Joseph Halden.

Caution in £500 by Patrik Futhie of Futheismyln for Mr Joseph Halden, brother of the Laird of Glenneges, that James, Earl of Murray, and those conjoined with him in former Acts (*ante*, p. 673), possessors of the lands and barony of Cossintullie, shall be harmless of the said Halden.

Edinburgh, 6th Sept. Band for Lord Ogilvie and others.

Registration, by Mr Oliver Colt, as procurator for the parties, of a band of caution by Mr David Gairdin of that Ilk for James, Lord Ogilvy of Airlie, in £2000, and for David Ogilvy of Westir Perssie, now in Bonnabothe,

Acta 1591–94. James Iyrnes, portioner of Lynclum, Johnne Ogilvy of Innerquoyche, James Cluny in Cuthilhill, George Spalding in Grange, Williame Spalding at the Mylne of Eleit, in 500 merks each, that Alexander, Bishop of Brechin, George Campbell of Crunane, Archibald Campbell of Perssie, George Campbell in Lundy, Robert Campbell in Mylnhorne, David Campbell in Denheid, Archibald Campbell, his brother, Patrik Campbell of Kethik, Thomas Campbell, prior of Kethik, Archibald Campbell and Coline Campbell, his sons, Williame Campbell in Sowtarhous, Johnne Campbell, his son, and Colin Campbell in Glenyla, shall be harmless of the said persons. Subscribed at Bowischan, 11th August, before George Ogilvy and Johnne Ogilvy, servitors to Lord Ogilvy, and James Myll (Myln) and Andro Quhyte, notaries public.

Caution for Thomas McDowell of Stodrig and his brother.

Caution by Thomas M^{c}Dowell of Stodrig, as principal, and Johnne Ker or Lunphoy (Barnehill), as surety for him, in £1000, and by the said Thomas and Johnne for Nicoll M^{c}Dowell, brother of the said Thomas, in £500, that Alexander Diksoun of Heidrig, Issobell Edzeare, relict of Adam Birghem, Elizabeth Birghem, his daughter, Alexander Diksoun in Newtoun, spouse to the said Elizabeth, and Patrik Diksoun in Fairnyrig, shall be harmless of them.

Edinburgh, 9th Sept. Band for Mr William Cairncross.

Registration, by Mr James Fowlis, as procurator for the parties, of a band of caution by Mr Williame Carnecors of Balmaschynner, as principal, and Alexander Balbirny, fiar of Innerrychtie, as surety for him, in £1000, that he will not harm Thomas Nauchtane in Balmaschynner. Subscribed at Westir Machie, 6th September, before Johnne Kynnynmonth of Westir Machie, James Lundy, son of James Lundy in Ummoquhy, and Johnne Watsoun, notary public.

Page 48. Caution for Lord Seton.

Caution in £2000 by Henry Neisbit, burgess of Edinburgh, for Robert, Lord Seytoun, that James Kincaid of Carbuy, and Robert and Johnne Kincaidis, his sons, shall be harmless of the said Lord.

Edinburgh, 10th Sept. Band for the Master of Eglinton.

Registration, by Mr Alexander King, as procurator for the parties, of a band of caution in £2000 by Hew Montgomerie of Hessilheid for the "rycht honorabill" Robert, Master of Eglintoun, that Dorathe Ros, Lady Aicket, Johnne Dunlop in Aicket, Stevin Dunlop, his son, there, Robert Harvie there, Robert Quhyte, Johnne Hopkin, David Ros in Bordland, and the other tenants of the lands of Aicket and Bordland, shall be harmless of the said Master. Subscribed at Irwin, 5th September, before Andro Meving of Monkriddin, Williame Gawstoun in Newtoun-Eglintoun, James Stevinstoun in Myln of Robertoun, and Williame Montgomery, writer, and Johnne Pirhie, notaries.

Edinburgh, 14th Sept. Caution for Alexander Boyd and others.

Caution by Alexander Boyd, citizen of Dunkeld, son and apparent heir of Robert Boyd of Charteriscroftis, as one of the principals, and James Douglas of Littill Banchrie (Hauch), as surety for him, in 500 merks, and by the said principal and surety for the said Robert Boyd in 1000 merks,

and for Andro Boyd, his son, and Robert Lacok in Mekill Dunlop, either of them in 300 merks, that they will not harm James Sandiesoun of Littill Hauch,—John Andro subscribing for Douglas. Acta 1591–94.

Caution for Alexander Dickson and others.

Caution by Alexander Diksoun of Heidrig, as one of the principals, and Robert Diksoun of Buchtrig, Thomas Diksoun, "ypothicar," burgess of Edinburgh, and Edmond Doddis in Fairnyrig, as sureties for him, in £1000, and by the said principal and sureties for Alexander Diksoun of Newtoun and Patrik Diksoun in Fairnyrig, in 1000 merks each, that Thomas Makdowell of Stodrig, and Nicoll Makdowell and Alexander M^{c}Dowell, his brothers, shall be harmless of them.

Edinburgh, 16th Sept. Caution for Alexander Thomson.

Caution in 500 merks by Johnne Glen in Leyth for Alexander Thomsoun, brother-son of Alexander Thomsoun, burgess of Edinburgh, that he will not harm the said Alexander Thomsoun,—John Eistoun, notary public, subscribing for Glen.

Edinburgh, 17th Sept. Caution for John Newton.

Caution in 500 merks by Patrik Hopburne of Kirklandhill for Johnne Newtoun in Drem, that he will not harm Johnne Bellenden in Leyth.

Edinburgh, 20th Sept. Band for the Earl of Caithness.

Registration, by Mr Alexander King, as procurator for the surety, of a band of caution in £5000 by George, Earl of Huntlie, for George, Earl of Caithnes, that he will not harm Laurence, Lord Oliphant. Subscribed at Perth 17th September. Page 49.

Edinburgh, 21st Sept. Band for Patrick Crichton.

Registration, by Mr David Guthre, as procurator for the surety, of a band of caution in £500 by Alexander Bonar of Balgirsho for Patrik Creichtoun in Cammo, that he will not harm Sir James Scrymgeour of Dudop. Subscribed at Deane-mylne, 21st September, before Johnne Calvie, portioner of Newburgh, and Johnne Philp there.

Edinburgh, 26th Sept. Band for James Sandison and his sons.

Registration, by Mr Oliver Colt, as procurator for the parties, of a band of caution by James Vallendye of Drumbuy for James Sandesoun of Litilhauch in 500 merks, and for Robert and Williame Sandesonis, his sons, in 300 merks each, that they will not harm Robert Boyd in Litill Dunkeld. Subscribed at Dunkeld, 24th September, before James Sandesoun, citizen in Dunkeld, Patrik Forbes there, David Bennad there, Williame Gilbert there, Duncan Vallendye in the Hauch, Henrie Ker, citizen in Dunkeld, Thomas Myller there, and Thomas Creichtoun and Thomas Marschell there, notaries,—the last two subscribing for the principals and surety.

Edinburgh, 29th Sept. Band for Hew, John, and William Lyne.

Registration, by Mr Thomas Gray, as procurator for the surety, of a band of caution by Williame Lyne of Bourtrehill for Hew Lyne, Johnne Lyne, and Williame Lyne, in 400 merks each, that they will not harm Johnne Peblis, younger, burgess of Irwin. Subscribed at Irwin, 25th September, before Johnne Mure, notary, Hew Mure, his son, and Alexander Michell, younger, notary, burgess of Irwin. Page 50.

Acta 1591–94.

Registration, by Mr Johnne Makgill, as procurator for the surety, of a band of caution in £1000 by George Hume of Weddirburne for Patrik Hume of Aytoun, that he shall appear before the Council upon 10th October next "gif he beis abill to travell on hors or fute," and answer to the letters executed against him at the instance of Johnne Hume, "maister huntar, tuicheing the violent taking fra the said Johnnes servandis of certane teindis of the parsonage of Duns, quhilkis thay wer leiding at his command." Subscribed at Edinburgh this day before Thomas Dowglas, servitor to Patrik Hume of Aytoun, and James Pringill, "my servitour." Edinburgh, 30th Sept. Band for Patrick Hume of Ayton.

Caution by Thomas Wichtane (Wichthand) of Blakdykis, as principal, and Johnne Lindesay of Pittolie (Paterly), as surety for him, in £1000, that he will not harm Johnne Watsoun, notary. Edinburgh, 1st Oct. Caution for Thomas Wichtane.

Caution by the said principal and surety that Petir Rollok, brother-son of Rollok of Duncrub, shall be harmless of the said Thomas, under the pains contained in the letters raised against him.

Caution by Hew Maxwell of Culnauchtrie, as principal, and Cuthbert Elphingstoun of Hendirstoun, as surety for him, in 1000 merks, and by the said Hew and Cuthbert for James Maxwell, son of the said Hew, in 500 merks, that they will not harm James Gordoun of Barnbarrauch. Caution for Hew Maxwell and his son.

Registration, by George Mak, as procurator for the parties, of a band of caution in 1000 merks by Edward Maxwell of Hillis for Robert Hereis of Mabie, that he will not harm the said James Gordoun. Subscribed at Drumfreis, 30th September, before Williame Hereis and Johnne Drysdaill, servitors to the said Laird of Mabie, Edward Russell, servitor to the said Edward Maxwell, and Johnne Maxwell, younger of Conheth. Edinburgh, 3rd Oct. Band for Herries of Mabie.

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Caution by Robert Hammiltoun in Rudleis, as principal, and Gawin Taillour at the Kirkstyle of Strathnavin, as surety for him, in 300 merks, that he will not harm Johnne Hammiltoun of Nethirfeild-dyke. Edinburgh, 6th Oct. Caution for Robert Hamilton.

Caution by George Lauder, portioner in Tynninghame, for George Craw in Eist Restoun in £500, and by the said George Craw for Alexander Craw in Nethir Aytoun, Johnne Craw in Rentoun, Nicol Paxtoun in West Restoun, and Patrik Craw in Eist Restoun, in £500 each, that they shall underlie the law, before the Justice the 3rd day of the next justice-ayre of the shire where they dwell, for the slaughter of George Hume of Spott, and also that they shall not reset or intercommune with Williame Hume of Prandergaist, Alexander Hume, his brother, Williame Craw, his servant, Johnne Hume, son of Williame Hume of Aytoun, Johnne Lamb, his servant, Mr Johnne Hume, brother of George Hume of Weddirburne, James Wichtane (Wychtman), his servant, Williame Craw of Heuchheid, sometime chamberlain of Coldinghame, and Hary Craw, son of Alexander Craw of Nethir Aytoun, denounced rebels for the said slaughter. Edinburgh, 9th Oct. Caution for George Craw and others.

Edinburgh, 11th Oct. Caution for James and John Beveridge.

Caution by Alexander Bonar of Balgirsho for James and Johnne Baverageis in Auchtirmuchtie, and Elspett Hunnyman, that they will not harm Bessie Stirk, relict of Patrik Maxwell, portioner of Auchtermuchtie. Acta 1591-94.

Edinburgh, 13th Oct. Caution for James Elphinstone and Robert Whyte.

Caution by Thomas Foullis, goldsmith, burgess of Edinburgh, for James Elphingstoun, servant to the King, and Robert Quhyte, burgess of Kirkaldy, in 1000 merks each, that James Litiljohnne, Abrahame Thomesoun, Robert and Williame Muris, and Alexander Law, younger, burgesses of Kirkaldy, shall be harmless of them.

Caution for Cunningham of Craigens.

Caution in 2000 merks by Robert Hammiltoun of Inchemauchane (Eglishmauchane) for Alexander Cunynghame of Craiganis, that he will not harm Williame Cunynghame of Tourlandis.

Holyrood-house, 13th Oct.

Sederunt—Cancellarius; Huntley; Coldenknowis; Murdocairny; Secretarius; Clericus Justiciarie; Neubottle; Computorum Rotulator; Collector; Clericus Registri; Culluthy; Magister Petrus Young.

Lord Altrie against Alexander Lawson, in the matter of a demand for the expenses of the late Danish commissioners.

Complaint by Robert, Lord of Altrie, as follows:—He has lately been charged, by letters raised at the instance of Alexander Lausoun, to pay him £100, being the alleged "rest of the parte of the voluntarie contributioun grantit for payment and outred of the chargeis and expenssis maid in furnissing of the houssis quhilkis wer kepit to the Dens commissionaris"; and the said Alexander intends, in case of his disobedience, to put him to the horn. Now, he had never consented to the payment of any part of the said contribution, nor had he been requested to do so by the King; "and swa, in respect the said soume wes nocht voluntarlie offerrit, and na act nor warrand maid thairupoun, he can nocht be burdynnit, nather be promeis, worde, nor write, with the payment thereof." At the same time, for a "speciall luiff and affectioun he buir to his Hienes, and for the honnourable discharge of that actioun quhilk wes then in handis," he voluntarily paid £200 to Alexander Lausoun and Johnne Cheisholme, provisors of two of the houses of the said commissioners. As he has thus given as "sufficient a testimonie of his frank and free dealing in that actioun" as any of his rank and degree, he pleads that the said letters should be suspended *simpliciter*.—The complainer appearing by Mr James Wardlaw, his procurator, and Lawsoun appearing personally, the Lords find the said letters "to be ordourlie procedit and direct," and, accordingly, ordain the same to be put to execution. Page 52.

Edinburgh, 14th Oct. Band for George and John Halden.

Registration, by Mr Johnne Moscrop, advocate, as procurator for the surety, of a band of caution by Thomas Ker of Cavers for George Halden of that Ilk in £200, and for Johnne Halden, his brother, in £100, that they shall answer before the Council upon 6th November next to a complaint by George Hoppringle of Torwodlie, Richard Hereot, younger of Trabroun, and the father and other kin and friends of the late David Taillior.

Acta 1591-94. Subscribed at Phairnyhirst, 13th October, before Nicoll Oswald and Johnne Frenche, servants to the Laird of Phairnyhirst, and George Halden.

Edinburgh, 15th Oct. Caution for Mr Robert Keith and others.

Caution in £1000 by Johnne Gordoun of Bucky for Mr Robert Keith, brother of George, Earl Mairshaell, Captain Johnne Gordoun, Patrik Chalmer, Williame Jak, and Andro Clerk, that, if they shall be found to have left anything not obeyed in the charge executed against them by Robert, Lord Altrie, for delivery of the place and houses of Deir, with the goods that had been therein when they intromitted therewith, they shall "obtemper" the said charge in all points.

Caution for James Maxwell.

Caution by Robert Rankene in Auchtirmuchtie for James Maxwell there, that he will not harm Bessie Stirk, relict of Patrik Maxwell, portioner of Auchtirmuchtie, — John Andro subscribing for Robert.

Edinburgh, 16th Oct. Caution for Jonas Hamilton and others.

Caution by James Hammiltoun, apparent of Rouchbank, for Jonas Hammiltoun of Coitcoitt in 500 merks, and by the said Jonas for Williame and James, his brothers, in 500 merks each, that they will not harm Johnne Fouller in Denis.

Caution for Logan of Restalrig.

Caution in £10,000 by Robert Logane of Restalrig, as principal, and Andro Logane of Coitfeild, as surety for him, that he shall underlie the laws for any crimes laid to his charge, and also that he shall not reset or intercommune with the King's declared traitors.—Deleted by a warrant subscribed by the King and his secretary at Haliruidhous, 12th August 1593.

Page 53. Edinburgh, 19th Oct. Band for George Buckie.

Registration, by Mr Johnne Crawmonth, advocate, as procurator for the parties, of a band aof caution in 300 merks by James Sandiesoun of Littilhauch for George Bukkie in Littilhauch, that he will not harm Thomas Schaw in Thomgarrow, or Alexander Boyd, son of Robert Boyd in Litill Dunkeld. Subscribed at Dunkeld, 17th October, before Williame Sandiesoun, Thomas Bennett, Laurence Buckye, Thomas Creichtoun, and Thomas Marsheall,—the two latter subscribing as notaries for the principal and cautioner.

Edinburgh, 20th Oct. Caution for the Laird of Ayton.

Caution in £1000 by Joseph Douglas of Pumpharstoun for Patrik Hume of Aytoun, that, if he be able to travel on horse or foot, he shall answer before the Council upon 10th November next to the letters executed against him by Johnne Hume, master hunter, touching the violent taking of the teindsheaves of Duns (*ante*, p. 677),—George Douglas, son of George Douglas of Perkheid, becoming cautioner in relief.

Caution for the Laird of Ayton.

Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band of caution in 5000 merks by George Hume of Weddirburne for Patrik Hume, eldest son of Williame Hume of Aytoun, that he shall underlie the laws before the justice, when warned, for the slaughter of George Hume of Spott, and also that he shall not reset or intercommune with Williame Hume of Prandergaist and his associates (*ante*, p. 677)

who are at the horn for the said slaughter. Subscribed at Weddirburne and Aytoun, 16th October, before James Pringle, Alexander Sheill, and David Neisbitt, servitors to the Lairds of Aytoun and Weddirburne. Acta 1591-94.

Holyrood-house, 26th Oct. Commission for discovery of witches, with power of examination and putting to the torture.

"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secreit Counsale, hes gevin and grantit, and be thir presentis gevis and grantis, his Hienes full power and commissioun, expres bidding and charge, to his trusty and weilbelovitt counsallouris Sir Johnne Cokburne of Ormestoun, justice clerk, Maister David M^cKgill of Nesbitt, advocate, as alsua to Mr Robert Bruce and Johnne Dunkiesoun, ministeris, Williame Litill, provest of Edinburgh, and Johnne Arnot, burges thairof, or ony three of thame conjunctlie, all and sindrie personis,—alsweill thame quhilkis ar alreddy convict, or utheris quhilkis ar detenit captive and hes confessit, and sum that hes not confessit, as alswa all sic utheris as ar dilaitit, or that heireftir salbe accused and dilaited, off committing, using and practizing of witchecraft, sorcherie, inchantment, and uthiris divilish divysis, to Page 54. the dishonour of God, sklender of his worde, perelling of thair awne saullis, abuseing of the commoun people and grite contempt of God, his Majestie, his authoritie and lawis,—to call and convene befoir the saidis commissionaris, or ony three of thame conjunctlie as said is, als oft as neid beis, and thame to try, inquire and examinat, thair depositionis to putt in write, and the same to reporte to his Hienes and his Counsale, to the effect thai may be putt to the knawlege of ane assyis, and justice ministerit as effeiris, or sic uthir ordour takin with thame as to his Majestie and his said Counsall salbe thocht maist meit and convenient,—the personis wilfull or refusand to declair the veritie to putt to tortour, or sic uthir punishement to use and caus be usit as may move thame to utter the treuth, and generallie all and sindrie utheris thingis to do and use that heirin is requisite to be done; ferme and stable haldand and for to hald all and quhatsumevir thingis the saidis commissionaris, or ony three of thame conjunctlie as said is, sall lauchfullie do heirin."

Edinburgh, 27th Oct. Caution for Hepburn of Bonhard.

Caution by Patrik Ogilvie of Inchemartine for Adam Hepburne of Bonhard, in 1000 merks, and for Adam Hepburne, his son, in 500 merks, that they will not harm Robert Blaikwode, burgess of Perth.

Holyrood-house, 28th Oct.

Sederunt—REX; Dux Lennocie; Cancellarius; Hammiltoun; Huntlie; Erroll; Montrois; Mortoun; Craufurde; Seytoun; Spynie; Urquhart; Murdocairny; Secretarius; Clericus Registri.

The Earl of Erroll, Lord Hay of Yester, and others, against John Heron and others, charged with the murder of James Hay.

Complaint by Frances, Earl of Errole, as chief, and James, Lord Hay of Yester, Williame Hay of Gourdie, and others, as kin and friends, of the late James Hay, son of the said Williame:—The said James having been murdered by Andro Hering of Litle Blair, Reid Johnne Hering in Gilmertoun, Blak Johnne in Afflekhill, and James Hering in Morganstoun, and their accomplices, in February 1589, when his Majesty was in

Acta 1591–94.

Denmark, the said complainers had offered to pursue for justice "giff thai could have had ony certanetie to have the same ministrat unto thame, as for the tyme thai had sum occasioun of doubt, being informeit of sum travellis maid for the esheattis of the committaris of the said cruell slauchteir, and then dayis of law wer commounlie continewit upoun feir of convocatioun to have bene drawne to Edinburgh." Yet, "upoun the said complenaris supplicatioun presentit to Counsale, to quhome his Majestie committit the governament of the effearis of his realme in his absens," thay had "obtenit ane confortable ansuer and deliverance, commanding the thesaurair and thesaurair-depute to mak thame promeis of the giftis of escheitis of sic personis as sould pas to the horne for the said slauchter, according to his Majesteis expres will and directioun maid be Act and publissit at his depairtur to Denmark in haitrent of sic as sould presume to brek the cuntrey and committ odious and cruell crymes in his Hienes absens, beiring expreslie that na escheittis sould be disponit in favouris of the offendaris, bot ratherest to the personis that sustenit the offens or thair freindis upoun ressonnable compositioun" (*ante*, p. 422). Further, after his Majesty's return, "upoun the simple meaning of the said Earl of Errole," his Majesty had granted commission to him and to umquhile Williame, Lord Hay of Yester, to apprehend the authors of the said slaughter and minister justice to them, and they had also obtained letters of caption before the Lords of Session to the same effect, to be executed as soon as the offenders should be put to the horn. Nevertheless, after the said Johnne Hering, called "Blak Johnne," was taken and put "in firmance," James, Lord Hay of Yester, had been charged to enter him within the tolbooth of Edinburgh within 24 hours, under pain of rebellion, "in a strange and unaccustumat forme"; and, in the meantime, when the complainers looked for justice, the King's respite is procured for seven years and already passed the privy seal, "swa that, in place of present justice, quhilk thai lippynnit to have had ministrat, thai ar constranit to lament and complene unto his Majestie upoun the want of justice throw the said respett, quhilk yit thai traist sall nocht serve the said Johnne, giff his Majestie will equitabillie and indifferentlie luik upoun law, equitie and richt, in this mater. For, first, it is statute be Act of his Majesteis last Parliament that na remissionis nor respettis salbe grantit for the space of fvve yeiris for slauchteris or murthouris committit on foirthocht fellony [1587, c. 54, § 7, iii. 454]; and thaireftir, be his Majesteis awne declaratioun, left and publissit at his depairting to Denmark, his Majestie commandit that tyme of his absens to be kept holie and unviolat frome committing of all outragious and wicked deidis, latting his Hienes admonitioun serve for a full and sufficient assuirance, certifeing thame that sould do in the contrair, to his Majesteis contempt and dishonnour, the fault suld be irremissible and not left unrevengeit and puneist at his returning [*ante*, p. 426]. The reverence of quhilk Act of Parliament and admonitioun, and hoip of justice according thairto, hes causit the saidis complenaris forbear all seiking of privat revenge, quhilk

thay had occasioun oft aneuch to have takin, gif thai had not preferrit his Majesteis obediens to the satisfactioun of thair hertis; bot now, giff thay salbe frustrat of justice undir pretens of the said pretendit respett purchest of his Majestie privatlie, and be suppressing of the treuth aganis a publict law, and his Majestie solempne vow and promeis, it sall discourage all men to seik redres be way of justice heireftir, bot rather to seik thair privat revenge at thair maist advantage, quhen thai sall find it mekle mair easie to gett ane respett nor to summond ane assise and mak a voyage to Edinburgh." For these reasons, the said respite ought to be decerned null, according to the "lovable practique" already adopted "in the lyke cais at the instance of the relict and ten faderles bairnis of umquhile Luck Stirling of Baldorane aganis Thomas Kincaid, and Johnne Jak, his servand."—Charge had been given to David Hering, younger of Glasclune, obtainer of the said respite, to appear; and now, the complainers appearing personally, and the said David being also present and producing the said respite, dated at Hammiltoun upon last, the King and Council find that they are not judges competent to the reduction of the said respite, and therefore remit the matter to the justice-general and his deputes, at the same time ordering the said Johnne Hering to be committed to ward within the tolbooth of Edinburgh, there to remain till tried for the said slaughter. Acta 1591-94. Page 55.

Order to denounce Andrew Ker of Fernihirst, and George Pyle, his servant.

Complaint by Gilbert Loutheane, merchant, burgess of Edinburgh, as follows:—Some cloth and other merchandise, lately bought by him in Lundone, had been safely conveyed to Beruik by land "without persute or dangeir"; and, "lippynning then to have bene in full suretie and that na violence nor reiff suld have bene usit within his Majesteis boundis," he had sent certain servants to bring the "same packis and mercheandice" to Edinburgh. "Quha being on thair jornay with the saidis packis at Lammermure, thay wer maist cruellie umbesett be certane personis unknawne to the said complener, the saidis haill packis and merchandice violentlie reft fra thame, and thay thameselffis bound hand and fute; off the quhilkis packis thay tuke ane, with the halff of ane uther, with thame, quhairin thair wes ane grite quantitie of fyne Lundone claith, with sum Lundone shankis and uther mercheandice,—quhairof thair is ane parte laitlie challangeit in the handis of George Pyle of Milheuch, servand and tennent to Andro Ker of Phairnyhirst, quha hes confessit and declairit that thair wes three of his steilfellowis ludgeit with him certane nichtis eftir the committing of the said reiff." It is therefore craved that the said George be presented before the King and Council to underlie trial for the premisses, and to notify the names "of the remanent his steilfellowis."—Charge had accordingly been given to the said George to appear personally, and to the said Andro Ker to enter him; and now, the complainer appearing personally, but neither of the defenders appearing, the Lords ordain them to be denounced rebels.

Order to denounce certain Highlanders

Complaint by James, Lord Ogilvie of Airlie, as follows:—Although he has been "his Majesteis faithfull and obedient subject, submitting himself

Acta 1591-94. alwayes to his Hienes and the lawis of the cuntrey," yet Archibald, Earl of Ergyle, and his friends, "upoun quhat motive or occasioun the said Lord knawis not, without ony deserving on his parte, haveing concludit the wrack of his hous or freindship, and being informeit that he had reteirit himself in sobir and quiet maner to duell and mak his residence in Glen Ilay," had taken the opportunity to "sett oute certane brokin hieland men, —thay ar to say, Johnne Campbell, bruthir to Campbell of Lochinyell, Johnne Dow M°Condoquhy in Inverraw, Neill Leich in Locquhabir, Donald M°Carlich in the Laird of Glenurquhyis landis, Allane Roy M°Inoig, sone to the Laird of Glenco, Archibald Campbell of Persie, Coline Campbell of Glenlyoun, Archibald Campbell, his bruthir, Johnne M°Rannald in Lochquhabir,—quha, in the moneth of August last bipast, to the nowmer of fyve hundreth men of the cuntrey of Ergyle, duelland for the maist parte within the same, and ressett thairin with the guidis and depredationis underwrittin, [?convocated] off sett purpois and deliberatioun to have slane the said Lord and to have wrackeit and spuilyeit the cuntrey; lyke as, upoun the xvi day of August last bipast, thay enterit in Glenilay undir silence of nicht with sic force and violence that the said Lord, lyand sa fer frome his freindis, upoun sic suddantie wes nocht able to resist thame; bot, with grite difficultie and schorte adverteisment, he, his wyffe and bairnis haveing eschaiped, thay enterit in the cuntrey with sic barbarous crueltie, not spairing wyffis nor bairnis, bot murthourit and slew all quhome thay fand thairin, to the nowmer of xviii or xx personis, and spuilyeit and awaytuke ane greit noumer of nolt, scheip and plennessing, to the utter wrak and undoing of the haill pure inhabitantis of the cuntrey. Quhilk being maid knawne to his Majestie, his Hienes not onlie causit ane assuirance to be takin betuix the saidis pairteis, bot alswa directit ane speciall letter to the said Erll and his freindis, to reteir the saidis brokin men to thair awne cuntrey, that the said Lord and his freindis wer nocht forder troublit with thame, with ane charge to thameselffis, undir the pane of tressoun; quhairupoun the said Lord and his freindis haveing dependit, hoiping to be in suretie thairby, and to have ressavit na injurie of new during the assuirance of the said Erll nor nane of his, nevirtheles the brokin men, quha maid the invasioun abonewrittin, haveing continuallie sensyne remanit in the hillis, and haveing convocat unto thameselffis ane grite noumer of sornaris, quha, in the tyme of sic assuirance, hoiping with small travell to gett geir, vilipending his Majesteis charge gevin to thame, as said is, and the said letter nor personis foirsaidis haveing na respect to his Majesteis letter, thay, upoun the day of September last bipast, within the tyme of the assuirance, undir silence of nicht, invadit the inhabitantis of Glenilay and Glencova, and hes murthourit and slane three or foure innocent men and wemen, and reft and takin away ane grite pray of guidis, swa that the puir men duelland in Glenclova, Glenilay and uthiris pairtis adjacent to the Month, quha ar nocht able to mak resistance, ar sa opprest be the brokin men and sornairs houndit oute be the Erll of Ergyle and his freindis, and mantenit and

under the protection of the Earl of Argyll, for not appearing to answer a complaint of Lord Ogilvie of Airlie.

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ressett be thame, that nather be his Majesteis protectioun nor assuirance of the pairtye can thair lyveis and guidis be in suretie."—Johnne Campbell and the other offenders above named having been charged to appear and answer, but not appearing, while the complainer appears personally, are to be denounced rebels. Acta 1591-94.

Order to denounce John Small and others.

Complaint by the wives, bairns, and remanent kin and friends of the late Robert Campbell in Millhorne, Williame Campbell of Souttarhous, Thomas Campbell, portioner of Kethik, and Johnne Campbell of Muretoun, as follows:—Upon 16th August last or thereabouts Lichtane of Usan, Johnne Lichtane, his servant, Archibald Ogilvy, Alexander Ogilvy, and Johnne Smith, his servants, David Ogilvy in Kamen, David Andirsoun in Auchrannie, Johnne Ramsay in Leuchrannie, Johnne Ogilvy, servant to the Laird of Teling, Williame Spalding at the Miln of Ilicht, David Hall in Grene of Airlie, Robert Small in Foddrais, M^{c}Innes in Lauchrunnie, Thomas Blair, servant to the Laird of Balfour, Johnne Small, also his servant, Williame Reidheuch, servant to James, Lord Ogilvy, George Ogilvy, son of Alexander Ogilvy of Drummis, now servant to the said Lord, Alexander Ramsay in Halyairdis, Williame Ramsay, his brother there, James Ogilvy in , David Glen in Auchrannie, James Galich, servant to the said Lord, Williame Ogilvy, Ogilvy, his brother, sons of Johnne Ogilvy of Queich, Ogilvy, brother of Innerquharratie, with convocation of the lieges, to the number of three score persons or thereby, "all bodin in feir of weir," hounded out and resetted by the said Lord, "come upoun the saidis umquhile Robert, Williame, Thomas, and Johnne Campbellis, and maist cruellie and unmercifullie murdreist and slew thame, upoun sett purpois, provisioun and foirthocht fellony."—Charge had been given to Johnne Small, servant to the Laird of Balfour, Johnne Smith, David Glen in Auchrannie, Thomas Blair at the Kirk of Kincowdiane, servant to the Laird of Balfour, Johnne Lichtane, servant to Johnne Lichtane of Usan, Archibald Ogilvy in Kane, Alexander Ogilvy there, and Johnne Ogilvy, servant to the Laird of Teling, to appear and answer; and now, none of them appearing, while the complainers appear by George Campbell in Crunane and Archibald Campbell in Persie, the order is to denounce them rebels.

Caution for James Maxwell.

Caution in 200 merks by Barnard Stirk in Auchtermuchtie for James Maxwell, son of the late Patrik Maxwell in Auchtirmuchtie, that he will not harm Johnne Bonair, brother of Williame Bonair of Rossie. Page 57.

Caution for William Grundieson.

Caution in 500 merks by Patrik Leirmonth in Abirlady and James Leirmonth there for Williame Grundiesoun there, that he will not harm Alexander Achiesoun of Gosfurde.

Edinburgh, 29th Oct.

Caution for Patrick Leirmonth.

Caution in 1000 merks by Williame Leirmonth of the Hill, and Johnne Wilkie, sheriff clerk of Hadingtoun, for Patrik Leirmonth in Abirlady, that he will not harm Alexander Achiesoun of Gosfurde,—Patrick Glasfurde, notary public, subscribing for the said Patrik.

Registration, by Mr Thomas Craig, advocate, as procurator for the

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principal, of a band by which Patrik Ogilvie of Inchemartine becomes caution of lawburrows for Adam Hepburne of Ballinhard (Bonhard), and Adam Hepburne, his son, to Robert Blaikwode, burgess of Perth, in such sums of money as the Lords of Secret Council shall ordain the said principals to pay. Subscribed at Bonhard, 24th October, before Andro Rattray of Spoutwallis, Adame Hepburne, younger, "my sone," and Johnne Cochrane, Johnne Quhittit, "my servandis." Band for Hepburn of Bonhard and his son.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, of a band of caution in £5000 by Robert Douglas of Casshogill for Sir James Douglas of Drumlangrig, that he will not harm Thomas Kirkpatrik of Closburne. Subscribed at Drumlangrig, 23rd October, before Johnne Sitlingtoun of Stanehous, Williame Douglas of Blaikett, Archibald Douglas, and Robert Phillop, notary. Band for Douglas of Drumlanrig.

Caution in 3000 merks by Petir Broun of Baquharne for James Shaw, burgess of Striviling, that he will not harm Robert Alshonder, burgess there. Edinburgh, 30th Oct. Caution for James Shaw.

Caution in 1000 merks by Claud Hammiltoun of Cochno and Mathew Hammiltoun in Auchintoshane for Johnne Hammiltoun of Pardowie, that he will not harm Walter Grahame in Dougiestoun. Caution for Hamilton of Pardowie.

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Sederunt—Cancellarius; Mortoun; Craufurde; Montrois; Ogilvie; Setoun; Murdocairny; Clericus Justiciarie; Clericus Registri. Edinburgh, 1st Nov.

His Majesty, with advice of his Council, "hes thocht expedient that his Parliament, proclameit to the tuentie day of November instant [*ante*, p. 668] salbe then fensit and continewit to the tuelft day of Januair nixt to cum, with continuatioun of dayis"; and there is to be proclamation of this postponement in Edinburgh and elsewhere, "to the effect that nane of his Esteatis sall neid to mak superflew and neidles travellis and chargeis." Meeting of Parliament postponed.

Caution in 2000 merks by Johnne Ramsay of Dalhoussy, as principal, and James Lawsoun of Humbie, as surety for him, that he will not harm Richard Abircrumby of Poltoun. Caution for Ramsay of Dalhousie.

Sederunt—Rex; Cancellarius; Huntlie; Craufurde; Mortoun; Montrois; Ogilvy; Setoun; Urquhart; Secretarius; Clericus Justiciarie; Murdocairnie; Coldenknowis; Clericus Registri; Advocatus; Magister Petrus Young. Holyrood-house, 3rd Nov.

Complaint by Sir Johnne Edmestoun of that Ilk, as follows:—Upon 13th October last, "a litle befoir the setting of the sone," Johnne and David Humis, portioners of Blacader, George Hume, brother of the said Johnne, Alexander Hume, elder, and Alexander Hume, younger, theirs ervants, Cuthbert Hume and Patrik Hume, sons of the late Robert Hume of Reidheuch, Mr David Hume, brother of Thomas Hume of Crocerig, Chirnesyde, brother of Chirnesyde of Eist Nesbitt, Johnne Chirne- Order to denounce George Hume and others.

syde and Thomas Chirnesyde in Brumedykis, Henrie Haitlie in Quhitstoun, Johnne *alias* Jokkie Hoppringle, servitor to Johnne Hume, his Majesty's master hunter, with their accomplices to the number of 24 or 30 persons, all horsed and armed, came to the complainer's lands of Blaikburne, in the shire of Beruick, "and thair, be way of manifest oppressioun and bangistrie, reft and awaytuke tuelff drawing oxin, nynetene milk ky, and ane bull, pertening to him as his awne propir guidis"; which goods were immediately brought to the town of Blacader and to the place of Reidheuch, where they still are, the said persons intending to dispone of them at their pleasure. They have not only spuilyied him of his said goods, but "hes layd his saidis landis of Blaikburne waist, quhairupoun thair will yeirlie grow threttie chalderis of victuaill, besydis utheris commoditeis."—The said George, Mr David Hume, Cuthbert Hume, Patrik Hume, Henry Haitlie, and Alexander Hume, younger, having been charged to appear this day, and not appearing, while the complainer appears personally, are to be denounced rebels. Acta 1591-94.

Caution for Ramsay of Whitehill and his son.

Caution by James Ramsay of Quhytehill, as one of the principals, and David Edmestoun of Wowmat, as surety for him, in 1000 merks, and by the said James and David for Johnne Ramsay, son of the said James, in 500 merks, that they will not harm Richard Abircrumby of Poltoun.

To denounce Lord Semple.

Robert, Lord Sempill, for not appearing as charged, to underlie such order as might be prescribed "tuicheing the observatioun of peax," is to be denounced rebel. Page 59.

To denounce Gifford, tutor of Sheriffhall, and Garden of that Ilk.

One of the chief causes "quhairwith this realme is presentlie grevit" being the "multitude of deidlie feidis standing within the same unreconsilat, quhairthrow all pairteis haveand interes thairin spairis nocht to tak thair privat revenge and advantage of uthiris, disdaning to seik remeid be the ordinair forme of law and justice, without feir of God or reverence of his authoritie," charge had been given to Thomas Giffert, tutor of Shereffhall, to appear this day and answer touching the "furthering of quietnes, peax and justice in the cuntrey," under the pain of rebellion. Not appearing, he is to be denounced rebel.—For the same reason, Gairdin of that Ilk is to be denounced rebel.[1] Page 82.

Edinburgh, 4th Nov. Band for Sir John Ker and Mr Mark Ker.

Registration, by Mr Johnne Skene, advocate, as procurator for the parties, of a band of caution by Henry Haliburtoun of Mertoun for Sir Johnne Ker of Hirsell in £1000, and for Mr Mark Ker, his brother, in 1000 merks, that they will not harm Alexander Hume of Huttounhall. Subscribed at Littilden and Mertoun, 3rd November, before Andro Ker and James Ker. Page 59.

Holyrood-house, 5th Nov.

Sederunt—Cancellarius; Huntley; Crawfurde; Montrois; Plus-

[1] This minute and five to the same effect, dated respectively 10th, 17th, and 24th November, and 1st and 8th December, come together in one clump at a wrong place in the Register, with this note:—"Thir letters underwritten wer negligentlie omitit furth of the twa monethis immediatlie preceding [November and December], and ar thairfoir insert at the end of this moneth" [December].

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carden ; Spynie ; Murdocairny ; Coldenknowis ; Secretarius ; Clericus Justiciarie ; Clericus Registri.

To denounce certain retainers of the Earl of Atholl for not appearing to answer a complaint of Campbell of Glenorchy.

Complaint by Sir Duncane Campbell of Glenurquhy, as follows :—The six merk land of Drumnacarff, in Perthshire, belonging to him in liferent and to his heirs for two nineteen years, he has been in peaceable possession of the same these divers years past, "quhill now of lait that Johnne, Erll of Athole, hes interprisit the trouble and oppressioun of the said complenar in his said possessioun," intending to dispossess him by violence. "For quhilk purpois he hes alreddy inhibite and dischargeit the said complenaris tennentis of ansuering him of the maillis and fermes of the saidis landis, threatning thame with all violence and injurie giff in onywayes thay acknaulege him." His tenants, thus threatened, had refused to pay to him their mails, whereupon he had pursued them before the sheriff of Perth and obtained decree against them, with a precept for poinding of their goods. For executing this precept, the complainer, upon 24th September last, directed Alexander Campbell, sheriff officer, and Finla M^{c}Instakart, messenger, who apprehended upon the said lands six cows belonging to the said tenants; and thereafter, while they were driving the same to Perth "to have followit furth the remanent ordour of comprising, lippynning for na violence" from any person, Johnne Reid, officer to the said Earl, Johnne Cousland in Ballinseit, Neill M^{c}Cousland in Balnecard, James M^{c}Callum there, Robert M^{c}Wyiris "sone thair," Malcolme Reid of Auchtirtyre, Johnne M^{c}Allaster M^{c}Eanwicht in Drumnacarff, Williame Gallach in Logyrett, Johnne M^{c}Gillichallumis son there, Johnne M^{c}Andro Gallach in Drumnacarff, Johnne M^{c}Ean in Balnecaird, and Patrik M^{c}Gillichallum there, tenants and servants of the said Earl, with their accomplices, "all bodin in feir of weir" and hounded out by the said Earl, had followed the said messengers on horse and foot, and, having overtaken them, not only "utterit mony injurious and disdanefull speicheis," but violently reft the said goods from them, "threatning thame with all tyrannie and persute giff thay had withstandit." The complainer has patiently borne this oppression out of reverence to his Majesty, and in hope that his Highness, "quha is speciallie tuicheit in honnour and uthirwayes," will take order in the matter.—The complainer appearing personally, the foresaid persons, for not appearing as charged, are to be denounced rebels.

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To denounce Campbell of Glenlyon for not appearing to answer a complaint of William M^{c}Nicol.

Complaint by Williame M^{c}Nucoll in Litle Fortour, as follows :—In the beginning of the late troubles between the Earl of Ergyle and Lord Ogilvy, when the "brokin men of Ergyle and uthiris pairtis of the hielandis" came down within Angus, the complainer was spuilyied of all his goods, including sheep, nolt, and horses, with the exception of 70 cows and oxen only, which he sent to Glenshie for safety. But Coline Campbell of Glenlyoun, being advertised hereof, "associat unto himselff fourty of the saidis brokin men and sornaris, and come to Glenshie, quhair he violentlie reft and awaytuke the saidis lxx ky and oxin"; and, although the complainer has often craved restitution, yet the said Coline not only avows the deed

and refuses restitution, "bot schoiris him with forder injurie and malice, quhairthrow he, being sumtymes ane honnest houshaldair and intertenyair of ane grite houshald and familie, is now brocht to miserie and povirtie." —The complainer appearing personally, Campbell of Glenlyoun, for failing to appear as charged, is to be denounced rebel. Acta 1591-94.

Holyrood-house, 10th Nov.

Sederunt—REX; Dux; Cancellarius; Angus; Huntlie; Montrois; Spynie; Secretarius; Clericus Registri; Carmichaell; Culluthy.

Mr George Bisset against the members of an assize at Aberdeen for having unfairly acquitted certain persons charged with the murder of his brother.

Complaint by Mr George Bissett of Pitnuikistoun, brother of the late Patrik Bissett, burgess of Abirdene, and by Mr David M^cGill of Cranstounriddell, King's advocate, for his interest, as follows:—By Act of Parliament passed in the days of James III., persons complaining of the partiality of an assize were required to prove the complaint before the King and Council, and, if they succeeded, the verdict was to be reduced, and the members of assize punished, conform to the old laws contained in the Regiam Majestatem (1471, c. 9, ii. 100). Now, "trew it is that the said umquhile Patrik, upoun the fyft day of Maii last bipast, wes maist cruellie and shamefullie slane,"—the perpetrators being Mr Thomas Menzeis in Ferryhill, Alexander Andirsoun, his servant, David Menzeis, elder, Leonard Leslie, Thomas Weir, Williame Menzeis, "wobstair," Charlis Adie, Johnne Steill, and Robert Lamb. These, the first two only excepted, understanding that the said Mr George was come to Edinburgh to raise criminal letters for their pursuit before the justice-general, "and feiring the event of thair tryale before the said justice," had caused the sheriff depute of Abirdene to appoint a diet for their trial before him; "quhilk upoun thair awne sute and supplicatioun wes grantit" without the knowledge of the said Mr George. The 14th day of May had been appointed to that effect, the said Mr George being meanwhile in Edinburgh, raising the said criminal letters. "Lyke as he, for expeditioun of justice, rased the same letters upoun the aucht day of the said moneth of May, quhilk wes ane notorietie of his diligence, then being the thrid day eftir the committing of the said cruell slauchter. At quhilk xiiii day the same personis enterit thameselffis upoun pannell in that pretendit jugement, and Mr George Barclay, usurpand upoun him his Hienes pouer and authoritie, as advocat and procuratour fis[c]haell, without ony warrand or authoritie of his Majestie, on his pretendit maner, persewit that mater; and, the samin being referrit to the knawlege of ane assise of the personis underwrittin,"—viz., David Mar, elder, George Strauchane, David Andirsoun, Alexander Forbes, Alexander Jaffray, Andro Brabnair, David Reid, Johnne Barbour, Alexander Kempt, Alexander Schand, David Cargill, Thomas King, Thomas Kay, younger, Andro Brabner, Johnne Robertsoun, Johnne Mersair, George Elphingstoun, Johnne Tullidaff, and David Knowis,—these assizers, "for the maist parte wilfullie, temeariouslie, partiallie and be favour, acquate the saidis personis of the said slauchter, upoun certane knaulege that thai wer gilty thairof." They ought there- Page 61.

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fore to be called before the King and Council, conform to the said Act of Parliament.—Charge had been given to the said Mr George Barclay and to the assizers above named to appear and answer, and to Mr Alexander Frasair, clerk of the process, to produce the acts, minutes and instruments taken in the premisses; and now, the said David Carngill and James Robertsoun appearing for themselves and the others cited, and Mr George Bissett appearing by James Justice, his procurator, the Lords, having considered the allegations of both parties, together with the process and sentence of the said assize, remit this matter to the justice-general or his deputes, "to be tryit befoir thame be ane greitar assise," according to the said Act of Parliament.

The Earl of Caithness against Lord Oliphant.

Complaint by George, Earl of Caithnes, as follows:—On letters obtained against him by Laurence, Lord Oliphant, charging him to find caution in £5000 for the safety of the said Lord and his tenants, he had been put to the horn; and, on subsequent letters obtained by the said Lord, he had been charged to enter in ward in Blaknes and remain there till relaxed, under pain of treason. He now asserts that there had not been due delivery or intimation to him of the said letters; and on this ground, and also because he has now found George, Earl of Huntlie, cautioner and surety for him to the above effect, he pleads that the letters of horning, "and consequentlie the lettiris of tressoun following thairupoun," should be suspended *simpliciter*.—The Earl appearing by Johnne Davidsoun, his procurator, and Lord Oliphant by Henry Adamesoun, his procurator, the Lords find it not meet that the Earl of Huntlie, "or ony uthiris of his degree and rank," should be accepted as cautioners in such a case, and therefore ordain the Earl of Caithnes to find some other responsible cautioner by 10th December next.

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John Hume against Patrick Hume of Ayton, in the matter of the teinds of the parsonage of Dunse.

Complaint by Johnne Hume, master hunter, as follows:—Having been appointed by his Majesty factor of the teindsheaves of the parsonage of Duns, he has been in possession of the same for divers years, and had been "lippynning nawayes to have bene interruptit or troublit in the leiding of the saidis teindis this present yeir," especially trusting to the proclamation made that persons having right to teinds and in possession of the same during the "last yeir preceding" should be suffered to collect and lead the same this present yeir" (*ante*, p. 660). He had, accordingly, directed Johnne Malloch, his Majesty's servant, to assist him and Johnne Hoppringile, his servant, in collecting the said teinds of this present year, and they had been engaged in so doing when Patrik Home of Aytoun, George Douglas, his man, Johnne Craw, Johnne Strauchane in Duns, George Vertie there, Robert Reid there, Cuthbert Hume there, Symone Smith there, Williame Cokburne there, Williame Myller there, Alexander Tod there, Williame Nicoll there, Williame Andirsoun there, Williame Clerk there, Williame Trotter there, James Cokburne there, Edward Reidpeth there, Alexander Quhyteheid there, Williame Small there, Robert Manne there, Cuthbert Hendirsoun there, Mungo Abirnethy, Williame Abirnethy there, Robert Knox, Laurence Andirsoun, &c., with

convocation of the lieges, "all bodin in feir of weir," came to the com- Acta 1591-94.
plainer's said servants, "and not onlie utterit mony injurious wordis, baith aganis thame and him, minassing and avowing to bereve thame of thair lyveis, and sayand thai wald giff ane thowsand pundis to have him in thair rowme," but also spuilyied from them the whole teinds that they were leading, "and sensyne hes led the remanent teyndis to thair awne use."—The complainer appearing personally, and the said Patrik Hume, younger of Aytoun, being also present, with certain of his tenants and other parishioners of Duns, and the declaration of the said Malloch, who had been directed by the King to collect, lead and stack the said teinds "in ane neutrall and indifferent place" till it should have been decided to whom they belonged, having been heard, the Lords find that the said Patrik "hes offendit and contempnit his Majestie" in stopping the said Johnne Malloch in the execution of the King's said command, and therefore ordain him to enter in ward in Edinburgh Castle within 24 hours after being charged, and in the meantime to find caution in £1000 that he shall do nothing hereafter "concerning the teindis of the said personage uthirwayes nor be ordour of law," and also that the said Johnne Hume and his tenants shall be harmless of him and his.

Suspension of horning against Patrick Hume of Ayton.

Complaint by Patrik Hume of Aytoun, as follows:—On letters obtained by Johnne Hume, master hunter, alleging that the complainer had "boisted and injurit" his servants, and interfered with them in the collection of the teindsheaves of Duns, he had been put to the horn,—"maist wrangus-lie," because, immediately, after having been charged to appear and answer, "he contractit a grite disease and vehement fever, quhilk continewit continuallie sensyne, as it dois yit; lyke as at the same day of his compeirance he wes lyand bedfast undir the cuir of doctouris and ypothecaris, unhable to travell on hors or fute." This had been verified by a testimonial produced "at his Majesteis last being at the burgh of Perth," and the complainer had then obtained suspension of the said letters of horning to a certain day bypast. But, on that day, "albeit the same ressoun wes found relevant," yet, "becaus the samin wes nocht provin be productioun of new of the formair testimoniall," the King and Council had ordained the said letters to be put to farther execution against the complainer, "howbeit it be of veritie, as wes confessit be his Majesteis selff, that thair wes sic a testimoniall, and that the same wes produceit, sene and considderit be his Hienes at the tyme foirsaid,—quhilk the said Patrik thocht wes sufficient to have provin his intent in Page 63.
this caus, swa that at the lait dyett he neidit nocht to have usit forder probatioun." For his Majesty's better satisfaction in this point he is ready to verify the whole of this statement at any time, and farther he had found caution to appear this day before the Council, if he could travel on horse or foot, to answer to the original complaint (*ante*, p. 679). Wherefore the said letters of horning should be suspended.—The said Johnne Hume and Patrik both appearing personally, the Lords do suspend the said letters.

Acta 1591–94. Page 82. Spottiswode of that Ilk, Alexander Seytoun of Meldrum, and Patrik, Lord Glammis, having failed to appear this day, as charged, to answer touching the "furthering of quietnes, peax and justice in the cuntrey," are to be denounced rebels. Holyrood-house, 10th Nov. To denounce certain persons.

Page 63. Registration, by Mr Alexander King, advocate, as procurator for the parties, of a band of caution in £5000 by James Lausoun of Humbie and David Edmestoun of Wowmatt for Sir Johnne Edmestoun of that Ilk, that he and all for whom he is responsible by the general band shall keep good rule, shall underlie the laws for "all crymes or attemptatis," and shall assist the King and his commissioners in "presenting to justice of all his Hienes rebellis, taking of thair houssis, and uptaking of thair escheitis to his Hienes use." Subscribed at Edmestoun, 11th November, before Alexander Lawsoun, Captain Thomas Ewin, and Niniane Blaikwode. Edinburgh, 13th Nov. Band for Edmonston of that Ilk.

Caution in £2000 by Andro Logane of Coitfeild for George Hoppringle of Torwodlie and those for whom he is answerable by the general band, that they "sall observe and keip the Kingis Majesteis peax, *ut supra*." Caution for Pringle of Torwoodlee.

Caution to the same effect by James Hoppringle of that Ilk and James Hoppringle of Quhytebank for Johnne Hoppringle of Buckum; by the two latter for the said James Hoppringle of that Ilk; by the said James Hoppringle of that Ilk and Johnne Hoppringle of Buckholme for the said James Hoppringle of Quhytebank, in £2000 each; and by James Douglas of Cavers, sheriff of Teviotdaill, for Walter Turnbull of Bedreule, in 1000 merks. Caution for certain Pringles. Caution for Turnbull of Bedrule.

Page 64. *Sederunt*—REX; Dux Lennocie; Cancellarius; Angus; Huntlie; Craufurde; Montrois; Lindsay; Spynie; Dingwall; Pluscarden; Secretarius; Clericus Justiciarie; Clericus Registri; Carmichaell. Edinburgh, 17th Nov.

Williame Cunynghame of Tourlandis, for not appearing, as charged, to underlie order "tuicheing the observatioun of peace," is to be denounced rebel. For the same reason James Diksoun at Maner-kirk, Williame Burnett of Barnis, Edward Maxwell of Tynwald, James Cheyne of Straloch, Williame King of Barrauch, and Mr Williame Meldrum of Moncoffer, are to be denounced rebels. To denounce Cunningham of Tourlands and others.

Page 82.

The King having, with advice of his Council, concluded that none of the escheats of persons denounced rebels for not finding caution "conforme to the ordinance of Counsale maid anent deidlie feidis" (*ante*, p. 422) shall be disponed to the said rebels or to any others for their use, but shall be wholly uptaken by the Treasurer for his Majesty's behoof, or else disponed for composition "to sic personis as will haillelie intromett thairwith to thair awne privat use," his Majesty, that the premisses may be the better kept, ordains the Treasurer to signify to him the names of the suitors for the said escheats and of the persons whose escheats are sought, "befoir his Hienes subscriptioun be had thairto," so that the King may have accurate information. Anent the disposition of escheats.

Edinburgh, 18th Nov. Caution for Hucheon M°Ian and others.

Caution by George Monro of Mekle Tarrell for Hucheoun M°Ean Hucheoun in Mekle Allane, Donald Monro there, and Williame M°Condoquhie there, that they shall pay to Johnne Vaus, chamberlain of the earldom of Ros and lordship of Ardmannauch, the mails and duties due by them to him. Acta 1591-9

Caution for George Haitlie in Hordlaw.

Caution in 500 merks by Patrik Cokburne, tutor of Langtoun, for George Haitlie in Hordlaw, that he and all for whom he is answerable by the general band shall keep good rule.

Holyrood-house, 19th Nov. Charge to the Earl of Glencairn.

Order to charge James, Earl of Glencairne, to find caution to the same effect in £20,000, within eight days after the charge, or else to enter in ward benorth the water of Erne and about the burgh of Perth within the said time, there to remain till relieved by the King.

Sederunt—Rex; Dux Lennocie; Cancellarius; Huntlie; Montrois; Lindsay; Murdocairny; Thesaurarius; Spynie; Pluscarden; Secretarius; Computorum Rotulator; Culluthy; Magister Petrus Young.

Suspension of horning against Haldane of that Ilk and his brother.

Complaint by George Halden of that Ilk, and Johnne Halden, his brother, as follows:—By virtue of letters raised by George Hoppringle of Torwodlie, Richard Hereot, younger of Trabroun, and the father and other kin and friends of the late David Tailliour, they have been put to the horn for non-appearance to answer touching the slaughter of the said David and other crimes laid to their charge. They now plead that they have been wrongfully denounced, inasmuch as they had not been duly or sufficiently charged, alleging that, if they had been properly charged, they would willingly have appeared and "underlyne all ordinair and lauchfull [trial] upoun that quhairwith maist innocentlie thay ar burdynnit in the saidis letters." Therefore, and because they have found caution for their appearance to that effect upon 6th November (*ante*, p. 678), the said letters ought to be suspended.—The complainers appearing personally, but Hoppringle and Hereot, though charged, failing to appear, the Lords do suspend the said letters. Page 65.

Band for Alexander Hay of Dalgetty.

Registration, by Mr Williame Oliphant, and Alexander King, advocate, as procurators for the parties, of a band of caution in £2000 by Alexander Hay of Delgatty, as principal, and Johnne Gordoun of Pitlurg, as surety for him, that he and all for whom he is answerable shall keep good rule. Subscribed at Delgattye, 14th November, before Gilbert Hay of Percok, Abraham Forbes of Blaktoun, Alexander Hay, Thomas Hay, Johnne Forbes, "my servitouris," and Williame Ogstoun in Turreff, notary.

Caution for Archibald Polwart.

Caution in 300 merks by James Hammiltoun of Rouchbank for Archibald Polwart, son of Petir Polwart in Lynlythqu, that Johnne Grahame of Hilderstoun, Margaret Grahame, his daughter, relict of Johnne Polwart, and James Polwart, her son, shall be harmless of him.

Caution in 500 merks by Johnne Seytoun of Piteddie for Margaret

Acta 1591–94. Moncreiff, relict of Thomas Andirsoun, chirurgeon, burgess of Perth, that Williame Lauder, bookbinder there, shall be harmless of her,— Thomas Lachreis, chirurgeon, burgess of Coupar, becoming cautioner in relief. Edinburgh, 20th Nov. Caution for Margaret Moncrieff.

Caution by Patrik Hume of Aytoun, as principal, and Robert Swintoun of that Ilk, as surety for him, in £1000, that he shall do nothing concerning the teinds of the parsonage of Duns except by order of law, and that he will not harm Johnne Hume, master hunter (*ante*, p. 690). Edinburgh, 22nd Nov. Caution for Patrick Hume of Ayton.

Page 66.

Sir Patrik Hammiltoun of Goslintoun and Williame Maxwell of Neulandis having become sureties for Robert Hammiltoun of Schatoun in £500, and for Robert and James Hammiltonis, his sons, in £200 each, that James Hammiltoun in Eister Ovirtoun shall be harmless of them, the said Williame becoming cautioner in relief for the said Sir Patrik, the said principals now oblige themselves to free the said Williame of the premisses. John Andro subscribes for the said Robert, younger, and James, his brother. Band for Hamilton of Shawton and others.

Caution by Alexander Guthrie of that Ilk, as principal, and Alexander Balbirnie of Innerrichtie, as surety for him, in 2000 merks, that he and all for whom he is answerable by the general band shall keep good rule. Caution for Guthrie of that Ilk.

Caution in £1000 by David Seytoun of Weddirlie for Alexander Achiesoun of Gosfurde, that Patrik Leirmonth in Abirlady, Williame Sinclair there, and Williame Grundiesoun there, shall be harmless of him. Caution for Acheson of Gosford.

Caution in 5000 merks by Johnne Keith of Craig (Ravynniscraig) for George, Earl Mairshaell, that he will not harm Williame Hay of Urie. Edinburgh, 23rd Nov. Caution for the Earl Marischal.

Caution by Mr Williame Balfour of Freirtoun for Alexander Achiesoun, son and apparent heir of Alexander Achiesoun of Gosfurde, and George Achiesoun, his second son, in 500 merks each, that Patrik Leirmonth in Abirlady, Williame Sinclair there, and Williame Grundiesoun there, shall be harmless of them. Caution for Alexander and George Acheson.

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Sederunt—Rex; Dux Lennocie; Cancellarius; Angus; Lindsay; Seytoun; Spynie; Urquhart; Neubottle; Secretarius; Barnbarrauch. Holyroodhouse, 24th Nov.

Williame Hume of Aytoun, Stevin Bruntfeild of Grenelawdene, Johnne Mow of that Ilk, Hector Turnbull of Barnhillis, and James Tuedy of Drummelzeair, for failing to appear this day, as charged, to answer touching the "furthering of quietnes, peax and justice in the cuntrey," are to be denounced rebels. Order to denounce Tweedie of Drumelzier and others.

Page 66.

His Majesty, understanding the contempt of James, Earl of Glencarne, in remaining at the horn for not obeying the decree arbitral pronounced by his Highness and the Lords of Council and Session between him and Dame Annabell Murray, Countess of Mar, which the said Earl had promised to fulfil long ago, ordains him to enter in ward in , and to remain Charge to the Earl of Glencairn.

there till he has fulfilled the said decree, and also to deliver his houses of Kilmarannok, Findlastoun, Stevinstoun, Kilmaweris and Glencairne, to the officer executing this charge, under pain of treason. Acta 1591–94

Caution for George Craw.

Caution in 1000 merks by Johnne Hume of West Restoun for George Craw of Eist Restoun, that he and those for whom he is answerable by the general band shall observe the King's peace.

Edinburgh, 25th Nov. Caution for French of Thornydikes.

Caution in 2000 merks to the same effect by Robert Frenche of Thornidykis, as principal, and William Hume of Bassinden, as surety for him.

Holyroodhouse, 26th Nov.

Sederunt—REX; Cancellarius; Angus; Lindsay; Neubottle; Pluscarden; Secretarius; Clericus Justiciarie.

Gordon of Lochinvar against Lady Johnston.

Complaint by Sir Johnne Gordoun of Lochinvar, stating that he has lately been charged by Dame Margaret Scott, Lady Johnnestoun, to pay to her 3500 merks, disponed by His Highness to her as part of the sum of 10,000 merks in which he had been adjudged as one of the cautioners for Johnne, Lord Maxwell, within a certain time, under pain of rebellion, and that she intends in case of his disobedience to put him to the horn,—"wranguslie, because it is of veritie. . . . . [Here the entry stops, the words "This act dischargeit to be buikit" following at this point, and enclosed within brackets.] Page 67.

Band for James Hamilton and others.

Registration, by Mr Johnne Crawmond, as procurator for the surety, of a band of caution by Johnne Hammiltoun of Pardowie for James, Mr Allane, and Umphra Hammiltonis, his sons, Thomas Brysoun in Barnellane, Kessen Tripnay in Branyett, Robert Tripnay in Bardowy, Williame Hunter, smith in Boghouse, Andro Cadder in Kirktoun, Johnne Donaldsoun in Blairskaith Eister, Johnne Will, "wobster" in the Boighous, Johnne Balloch in Fluchtart-milne, Williame Balloch there, in 500 merks each, that they not harm Walter Grahame of Dougalstoun. Subscribed at Bardowie, 16th November, before Johnne and Mr Adam Hammiltonis, sons of the cautioner.

Edinburgh, 27th Nov. Band for Mr David Makgill, younger.

Registration, by Mr Edward Bruce, advocate, as procurator for the parties, of a band of caution in £2000 by James Douglas of Spott for Mr David M^{c}Gill, fiar of Cranstounriddell, and son of Mr David M^{c}Gill, King's advocate, that he will not harm David Dundas of Preistisinche. Subscribed at Edinburgh, 27th November, before Mr Johnne Provand, burgess of Edinburgh, and Mr Williame Kellie.

Band for Mr David Makgill, elder, King's advocate.

Registration, by Mr Johnne Nicolsoun, advocate, as procurator for the parties, of a band of caution in £2000 to the same effect by Johnne Touris of Innerleith for Mr David M^{c}kgill, King's advocate,—the said principal, and Mr David, his son, becoming sureties in relief. Subscribed and dated as above, before Thomas Young, writer, Mr Williame Kellie, Hew M^{c}Gill, and Josias Touris, "my bruthir."

Acta 1591-94. Page 68.

Registration, by Mr Alexander King, advocate, as procurator for the sureties, of a band of caution in 1000 merks by Sir Williame Sinclair of Hirdmestoun for James Sinclair in Ewingstoun, that he will not harm Alexander Achiesoun of Gosfurde,—Williame Sinclair of Rosline becoming cautioner in relief. Subscribed at Edinburgh, 29th November, before Johnne Finlasoun, Henrie Tait, James Scott, and Williame Bairnefader. Edinburgh, 30th Nov. (? April). Band for Sinclair in Ewingston.

Sederunt—REX; Cancellarius; Angus; Mar; Mortoun; Maxwell; Lindsay; Setoun; Spynie; Urquhart; Coldenknowis; Neubottle; Blantyre; Secretarius; Ormestoun; Barnbarrach; Clericus Registri; Carmichael; Pettinweyme; Magister Petrus Young. Edinburgh, 1st Dec.

Act anent respites and remissions granted for slaughter and other crimes.

Ordained by the King, with advice of his Council, that all persons who have obtained or shall obtain his Majesty's respites or remissions for slaughter, mutilation, or other such crimes, "salbe callit, nochtwithstanding, at the instance of the kin and freindis and uthiris haveand interesse, or, giff thay will nocht persew, at the instance of his Majesteis advocat for his Hienes interesse, to undirly the law for the same crymes, befoir his Majesteis Justice or his deputis, at certain particulair dyettis; and, the saidis personis compeirand and being enterit upoun pannell, and produceand and usand the saidis respettis and remissionis, quhilkis, albeit thay be admittit and serve for the suretie and assuirance of their lyveis, yit sall thay be committit and retenit in warde unto the tyme thay find cautioun, actit in the buikis of adjornaill, to mak assyithment and satisfactioun to the saidis kin and freindis and uthiris foirsaidis for the saidis crymes, at the sicht and modificatioun of the Lordis of Counsale and Sessioun, according to the Actis of Parliament, lawis and practique of this realme observit in sic caissis, as alswa to undirly sic ordour and punishement as his Majestie sall prescryve, tuicheing the warding of thair personis in ony parte within this realme, or baneisment of thame furth of the samin during his Hienes will, or payment to his Majesteis thesaurair, or to the saidis kin and freindis, of sic sowmes of money as salbe modifeit be his Majestie, with advise of his said Counsale: quhilk forme of punishement, besydis the formairassy thment, his Hienes, for the bettir satisfactioun of the saidis kin and freindis, and uthiris interest, will use and caus be execute aganis the saidis personis, committaris of the saidis crymes, respecting every ane of thame, according to the qualitie of the same crymes, forme, maner and circumstanceis of the committing thairof, nochtwithstanding of the saidis respettis and remissionis." Proclamation of this Act is ordered at the market crosses of the head burghs of the realm.

Band for John Hume, master hunter.

Registration by his Majesty of an act of caution in 500 merks by Patrik Hume of Brumehous and Robert Ramsay of Wyliecleuch, for Johnne Hume, master hunter, that he will not harm Patrik Hume of Aytoun, the said Patrik not making impediment to the said Johnne in leading and disponing of the teinds of Duns during his factory. Subscribed at Edinburgh and Wyliecleuch, 27th and 28th November.

Page 69.

To denounce Charles Geddes and others.

James Hall of Heviesyde, Charlis Geddes of Rauchane, Williame Veche of Dawik, and Alexander Hume in Quhyterig, for failing to appear this day, as charged, to answer touching the "furthering of quietnes" in the country, are to be denounced rebels. Acta 1591–94. Page 83.

Edinburgh, 2nd Dec.

Caution for James Hume in Dunbar.

Caution for Tweedie of Dreva.

Caution in 1000 merks by James Hume of the Freirlandis of Dunbar, and Alexander Hume of Drumcors, as surety for him, that he and all for whom he is answerable by the general band shall keep the King's peace. Page 69.

Caution to the same effect in £1000 by James Hammiltoun of Libbertoun for Adam Tuedy of Dreva,—the said Adam, and James Tuedy, his eldest son, becoming sureties in relief.

Holyrood-house, 3rd Dec.

Sederunt—REX; Dux Lennocie; Cancellarius; Mortoun; Montrois; Maxwell; Coldenknowis; Neubottle; Secretarius; Clericus Justiciarie; Carmichael; Magister Petrus Young.

Sir James Douglas of Drumlanrig against Thomas Kirkpatrick of Closeburn: case of Thomas Grier, a dependent of Sir James.

Complaint by Thomas Greir of Marginalloch, and Sir James Douglas of Dumlangrig, for his interest, as follows:—Upon 28th May last the said Sir James had obtained a decree before the Lords of Council and Session against Thomas Kirkpatrik of Closburne, principal sheriff-depute of the shire of Drumfreis, exempting him, his freinds, tenants and servants, from the jurisdiction of the said Thomas in any action, criminal or civil, during the dependence of the "feid and inimitie" between the said Sir James and Thomas. Yet the said Thomas, upon the 20th September last, apprehended the said Thomas Greir, and intends to try him by an assize "for certane allegeit crymes of thift," and so, "undir the pretext and cullour of justice, to bereve him of his lyffe," although the said Greir "is ane honnest and trew man, altogidder innocent of these crymes quhairwith maist maliciouslie and unjustlie he is burdynnit be the said Thomas." In fact, this pursuit of Greir is occasioned by "ane particulair evill will and malice" borne by Kirkpatrik against Sir James,—Greir being "ane propir dependair upoun the said Schir James house," and partaker with him in all his actions, especially the "querrell and contraversie betuix the said Schir James and the said Thomas Kirkpatrik of Closburne." Moreover, "the said Thomas Greiris wyffe standis within the thrid decree of consanguinitie with the said Schir James, and swa he is his speciall freind, assistair and parttakair, and thairby comprehendit undir his said exemptioun."—The complainers appearing by Robert Phillop, messenger, their procurator, but the defender failing to appear, the Lords ordain letters to issue charging him to liberate Greir within six hours after the charge, under pain of rebellion. Page 70.

To denounce Crawford of Auchinames.

Patrik Crawfurde of Auchynhemmis, having been denounced rebel for non-payment of certain sums of money and delivery of "ane goldin chenzie and silver pece" to Margaret Craufurde, Lady Huntarstoun, and Robert Stewart, now her spouse, conform to a decree given aganist the said Patrik, and having remained contemptuously at the horn for the last four years, and having lately "dissobeyit letters of tressoun gevin baith

Acta 1591–94. for randering of houssis and entrie of his persoun in warde," fails now to appear to answer for "his contempt, rebellioun, and dissobedience," as he had been charged, and is therefore to be denounced rebel.

Caution for Alexander Hamilton.

Caution in 1000 merks by David Hammiltoun, flesher, burgess of Edinburgh, for Alexander Hammiltoun in Peoblis, that he will not harm David Dundas of Preistisinche, sheriff depute of Lynlythqu.

Caution for Thomas Hardie.

Caution to the same effect in 1000 merks by James Carmichel of Pottishaw for Thomas Hardy, smith, at the Kirk of Levingstoun.

Caution for Johnston of Wamphray.

Caution by Johnne Carruthiris of Holmendis for Gilbert Johnnestoun of Wamphra, "that, in cais ony thing salbe foundin be the Lordis of Secreit Counsaill to be done be the said Gilbert tuicheing the making of his men, tennentis and servandis ansuerable to justice, conforme to the generall band," he shall obey.

Edinburgh, 6th Dec. Caution for Richard Wardrop.

Registration, by Alexander King, advocate, as procurator for the parties, of a band of caution in £500 by Robert Hammiltoun of Likprevik for Richard Wedrop in Dalmernok, that he will not harm James Forrett of Burrowfeild. Subscribed at Glasgu, 2nd December, before Archibald Andirsoun, merchant, George Dunlop, merchant, Robert Young and Johnne Touris, cordiners,—George Huchesoun, notary public, subscribing for the said Wedrop.

Page 71. Edinburgh, 7th Dec. Caution for William Hume of Ayton.

Caution by George Hume of Weddirburne for Williame Hume of Aytoun, that Alexander Coistene at the old mill of Aytoun shall be harmless of him, under the pains contained in the letters raised against the said Williame.

Caution for Mr Andrew Sandilands.

Caution in £1000 by Mr Andro Sandielandis, as principal, and Mr Thomas Sandielandis, his brother, as surety for him, that he will not harm David Dundas of Preistisinche.

Caution for Walter Sibbald.

Caution in 1000 merks by David Sibbauld of Lethem for Walter Sibbauld, his brother, that he will not harm Williame Coilyeair in Kilmukis, or David Coilyeair, his son.

Page 83. Edinburgh, 8th Dec. To denounce Jardine and Cunningham.

Sederunt—Rex; Dux Lennocie; Cancellarius; Angus; Montrois; Maxwell; Lindsay; Thesaurarius; Coldenknowis; Secretarius; Neubottle; Clericus Justiciarie; Clericus Registri; Carmichael.

Alexander Jardane of Apilgirth and Johnne Cunynghame of Glengarnok, failing to appear this day, as charged, to answer touching the "furthering of quietnes," are to be denounced rebels.

Page 71. Caution for Cockburn of Chouslie.

Caution by Archibald Douglas of Stannypeth for Williame Cokburne of Chouslie, that he will not harm David Dundas of Preistisinche, under the pains in the letters raised to that effect.

Caution for Littlejohn and Law.

Caution by Robert Maistertoun, burgess of Kirkaldy, for James Littiljohnne and Alexander Law, elder, burgesses there, in £500 each, that they will not harm Robert Quhyte, burgess there.

Holyrood-house, 10th Dec.

Sederunt—Rex; Cancellarius; Angus; Montrois; Maxwell; Lindsay; Seytoun; Thesaurarius; Pluscarden; Neubottle; Coldenknowis; Secretarius; Blantyre; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Culluthie; Carmichaell; Pettinweyme. Acta 159–194.

The Ladies of Romannos against the relict and children of Hamilton of Coldcott, praying that a former decree of Council may be suspended.

Complaint by Helene Hendirsoun, spouse of Williame Murray, elder of Rowmannais, Margaret Tuedy, spouse of Johnne Murray, younger of Rowmannais, and Nesbitt, spouse of Williame Murray, third Laird of Rowmannais, with the poor tenants, cottars and labourers of the lands of Rowmannais, in the shire of Peblis, as follows:—The said three Lairds of Rowmannais and certain other persons having been denounced for art and part in the slaughter of Johnne Hammiltoun of Coitquott and his son, the King and Council, on complaint made by the relict and bairns of the said late Johnne Hammiltoun, and "upoun misreporte maid that the tour of Rowmannais wes detenit and garneist with men of weir, to the contempt of his Majestie," had "appointit the same to be keipit be foure personis, allowing to thame monethlie the sowme of tuenty merkis, begynnand the first monethis payment upoun the saxtene day of October last, to be payit oute of the leving of Rowmannais." Consequently, "letteris ar direct, be delyverance of the Prevey Counsale, quhairwith the saidis complenaris ar chargeit to mak payment to thame for the sustentatioun of the saidis foure personis of the said sowme of twenty merkis monethlie, as said is, and for allegeit dissobediens intendis to caus putt him [thame ?] to the horne." Now, "it is of veritie that the foirsaid conclusioun and letters direct thairupoun wer past upoun sinister informatioun, and without ony lauchfull citatioun of the saidis complenaris, haveand speciall interes in the said mater, or ony uther tryale or cognitioun tane in the caus, as wes alwayes requisite to be done; for, giff thay had knawne of the making of the said appunctuament and modifeing of the soume foirsaid, or of the granting of the saidis letters, thay wald have compeirit, objectit thairaganis, and stayed the granting of the samin,—as thay have yit sufficient ressonis to suspend the executioun thairof, be ressoun the said house of Rowmannais wes nevir keipit aganis his Hienes, bot the same, as alswa the cuntrie, is left be the saidis rebellis, and that immediatelie eftir the committing of the fact (giff in thair awne defens and procurement of the uthiris personis God knawis and tyme will try), and thairfoir neidit na sic keiparis, it being bot ane auld and ruynous tour, not meit for na man to keip or hasard his lyffe into." Moreover, the said three complainers are infeft in conjunctfee and liferent in the whole lands of Rowmannais, "quhilk is bot a puir ten pund land, in effect barren of the selff, and subject to the incursionis and stouthis of the brokin men and thevis of baith the Bordouris, and, as is mair nor notour, will nocht sustene the saidis complenaris nor thair famileis, thay haveing na maner of thing ellis quhairupoun to leiff; and, sen swa it is, it wer grite mater of conscience, and a thing that can nather stand with the law of God nor man, to punishe the innocent for the nocent, and to tak fra thame thair landis and Page 72.

Acta 1591-94. lyveis, althocht thair husbandis be now deprivit of his Hienes favour. And, gif ony doubt or scruple may be moved anent the keiping of the said house to the forder contempt of justice, thay ar content and presentlie offerris, the keiparis being removit furth thairof, with all diligence thaireftir, to condempne and clois up on thair expenssis the yettis and windois of the said house with stane and lyme, and to be ansuerable that thair husbandis nor na uthiris sall entir thairin without his Majesteis licence. Attour, the saidis letters can nawayes stryke upoun the saidis complenaris for the yeir to cum, because, upoun the denunciatioun of the personis foirsaidis, the gift of thair escheit wes disponit to Mr James Johnnestoun, neir freind of the personis slane, with quhome the saidis complenaris hes aggreit be paying to him of a grite compositioun, for the quhilk he hes maid them assignayis to the said gift, quhairthrou thay have gude richt to ane yeirlie dewitie of the saidis landis, quhilkis landis, albeit thay wer free, as thay ar nocht, will nocht pay samekle be far as will extend to the soume modifeit." On these grounds it is urged that the said letters should be suspended *simpliciter*.—Helene Hendirsoun appearing for herself and the other complainers, and Bessie Baillie, relict, and Jonas, Williame, and James Hammiltonis, bairns of the said late Johnne Hammiltoun, being also present, the King, with advice of his Council, finds the said letters, obtained by the said widow and bairns, of the late said Johnne, "to be ordourlie procedit and direct," and, accordingly, ordains them to be put to farther execution.

Gordon of Strathdon and his wife, the Countess of Errol, against Gordon of Haddo and Gordon of Westhall, for having seized a certain house and grounds in Old Aberdeen.

Complaint by Alexander Gordown of Strathdoun, and Dame Agnes Sinclair, Countess of Errole, his spouse:—They have been in peaceable possession of the mansion-houses and close lying within the old town of Abirdene, called the Clattis house and mains, belonging to them heritably in feufarm, till on 28th July last Hary Gordoun of Haddo, and Mr Walter Gordoun of Westhall, sheriff depute of the shire of Abirdene, by the special direction of George, Earl of Huntlie, violently entered the said houses, and removed the complainers' servants furth of the same,—ever since which time the said persons have withheld from them their said houses without any title or right.—The complainers appearing by James Gorthie, their procurator, but the defenders neither appearing nor yet having delivered the said houses to the pursuers as they had been charged, the King and Council ordain letters ordering them to deliver the same within 12 hours after this new charge, under pain of rebellion.

Hans Clerk, a foreign merchant, against John Davidson, merchant in Leith.

Complaint by Hanis Clerk, merchant, burgess of Trail Sound, under the Duke of Pomeris dominion, as follows:—In May 1590, James King, burgess of Abirdene, having bought from him "certane Dutche beir," extending to twelve score pounds money Scots, the complainer had been compelled to sue before the Privy Council for payment of the price, and had obtained a decree against the said James. Then, "becaus the winter seasoun wes approcheing quhairby all passage be sey in the Eist Cuntreis wes stayed," the complainer "wes forceit to depairt," having appointed Johnne Davidsoun, merchant in Leith, his factor for obtaining

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execution of the decree; "quha immediatlie, without ony pane, travell or expenssis, aggreit with Alexander King, advocat, bruthir to the said James," and received full payment of the said sum and £40 of expenses. When the complainer returned to Scotland in May last, expecting to obtain payment of the said sum from Davidsoun, "he wes nevirtheles schifted and delayed, and forceit to enter in new persute and proces with him, to his grite and sumptuous chargeis, besydis the tinsall and losse of his tyme. Lyke as, to his Majesteis forder contempt, quhenas the said Hanis causit certane officiaris of the burgh of Edinburgh and toun of Leith arreist the said Johnne, conforme to the ordour within the said toun, he injuriouslie drew his swerd for persute of the saidis officiaris, and, be the help of sum rascallis in cumpany with him for the tyme, he eschaiped upoun the xxviii day of the said moneth of May last bipast,"—ever since which time he has been fugitive from the laws, intending to keep himself secret till the complainer again goes abroad, and so to frustrate him not only of the said debt, but of other sums and goods supplied by the said Hans to him in September 1590, extending to £60, 10s. Although the complainer has obtained letters of caption for apprehending the said Johnne, they are of no use, because the said Johnne absents himself from all kirks, markets, and other open and public places; "and swa the said complenair, being a puir strangeair, alreddy havelie interest and prejugeit be the lang and sumptuous persute of his said debt, will now be utterlie wracked be the said Johnis fraude and dissait," unless the King and his Council provide remedy.—The complainer appearing personally, Davidsoun, failing to appear, is ordered to pay the said sums, principal and expenses, received by him from King, and also 100 merks for the said Hanis's charges incurred by him in the pursuit. Acta 1591-94.

Caution for Ramsay of Dalhousie.

Caution by Johnne Ramsay of Dalhoussy, as principal, and Johnne Creichtoun of Brunstoun, as surety for him, in 5000 merks, that he and all for whom he is answerable shall keep the King's peace.

Caution for Maxwell of Drumcoltran.

Caution to the same effect in £1000 by George Maxwell of Drumcowtrane, as principal, and Johnne Maxwell of Conheith, as surety.

Caution for certain men of Kirkcaldy.

Caution by Thomas Lamb and Williame Murisoun, burgesses of Kirkaldy, for Williame Lamb, Alexander Auchmowtie, Alexander Law, younger, Robert Mure, James Staig, Williame Mure, Abraham Thomesoun, Johnne Halkett, Johnne Neving, Henry Miller, and Thomas Miller, burgesses there, in £500 each, that they will not harm Robert Quhyte of Ledurquhart, burgess there.

Edinburgh, 11th Dec. Caution for George and Robert Weir.

Caution by James Levingstoun, younger of Jerveswode, for George Weir, son of the late Symon Weir in Libbertoun, and Robert Weir, his brother, in 300 merks each, that they will not harm Johnne Purdie in Libbertoun, or Cristeane Grahame, his spouse.

Caution for the parson of Foulden.

Caution in 1000 merks by James Ramsay of Cokpen for Alexander Ramsay, parson of Foulden, that he and all for whom he is answerable shall keep the King's peace,—the said parson, Williame Ramsay in Page 74.

Acta 1591-94. Newbottle, and David Lummisden, portioner of Rikkilsyde, becoming sureties in relief.

Band for Thomas Grant and his sons.

Registration, by the senior principal, and Mr Henry M^cCalyeane, advocate, as procurator for the surety, of a band of caution by Johnne Drummond of Pityallony for Thomes Grant in Lethindie, and Andro and Williame, his sons, in 500 merks each, that Eduard Abircrummy in Lethindie, Alexander Abircrummy, his son, there, Silvester Chopman there, Thomas Wichtane there, David Broun there, Patrik Blair there, David and Robert Blairis, his brothers, there, Williame Chopman, servant to the said Silvester, Alexander Blair in Innerbus, Johnne Robertsoun in Lethindie, Williame Syde there, David Moreis there, Petir Young there, Michael Bruce in Scone, and Mr James Abircrummy, minister at Scone, shall be harmless of the said persons. Subscribed at Stobhall, 4th December, before Andro Drummond, vicar of Strogaith, Mr David Drummond, minister at Creiff, Johnne Broun, notary, Johnne Andro, and James Sandiesoun,—Johnne Broun, notary, subscribing for the said Thomas Grant, "becaus myselff can not subscryve."

Band for Lindsay of Balhall.

Registration, by Mr Johnne Moncreiff, advocate, as procurator for the surety, of a band of caution in £1000 by Andro Maull, portioner of Skryne, for Robert Lindsay of Balhall, that he will not harm Walter Campbell in Dowane. Subscribed at Edinburgh, 11th December, before Johnne Arnott, servant to Mr Johnne Lindsay, Johnne Dummo, messenger, and Walter Doig.

Edinburgh, 14th Dec. Caution for Cockburn of Langton.

Caution by George Hume of Weddirburne for Patrik Cokburne, tutor of Langtoun, that he will not harm Williame Cokburue of Chouslie, or Marione Douglas, his mother, under the pains contained in the letters raised to this effect.

Holyrood-house, 15th Dec. Charge to the Earl of Glencairn.

Charge to James, Earl of Glencairne, to return for registration by 24th December instant, a band subscribed by himself and sureties to the effect that he and all for whom he is answerable by the general band shall keep the King's peace, under pain of £20,000, and that he shall not repair to the bounds of Kyle, Carrik and Cunynghame in time coming till he obtain the King's licence to do so.

Page 75. Charge to Cunningham of Caprington and Maxwell of Newark.

Charge to Williame Cunynghame of Caprintoun and Johnne Maxwell of Newark to appear before the King and Council by 29th December instant, and to find sufficient cautioners that they and those for whom they are answerable shall keep the King's peace, the said Williame in £5000, and the said Johnne in 5000 merks.

Caution for Preston of Craigmillar.

Caution in 5000 merks by Robert Gray of Murthill and Richard Abircrumby of Poltoun for David Prestoun of Craigmiller, that he and those for whom he is answerable shall keep the King's peace.

Edinburgh, 16th Dec. Caution for James and John Hamilton.

Caution by Patrik Hammiltoun, apparent of Levingstoun, for James and Johnne, sons of James Hammiltoun of Levingstoun, in £500 each, that they will not harm David Dundas of Preistisinche.

Holyrood-house, 17th Dec.

Sederunt—Rex; Dux Lennocie; Cancellarius; Montrois; Maxwell; Lindsay; Uchiltrie; Gray; Spynie; Thesaurarius; Urquhart; Blantyre; Neubottle; Secretarius; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Carmichaell; Magister Petrus Young. Acta 1591–94.

Decree obtained by Edmund Arnold, Englishman, against Ninian Hill and others in the matter of the ship and her cargo taken by pirates and sold in Montrose.

Action by Edmond Arnold, Englishman, in Hippiswiche, for himself and for Williame Wasselbie in Wellis, against Niniane Hill in Montrois, Thomas Schewen in Brechin, Alexander Taillior there, Jonnett Monypenny, his mother there, Johnne Mekesoun in Latoun, Williame Esplene in Ley, David Beg in Kynnell, Henry Bany in Besak, Johnne Colme in Persfeild, James Lamb in Wester Brakie, Johnne Schewen in Brechin, Williame Peiris there, Thomas Smyth there, Marjorie Duncane there, David Croill there, David Lamb, flesher there, David Guthrie, cordiner there, Johnne Wodcok in Sanctandrois, James Thomesoun in Kinghorne, Johnne Lammert, flesher in Auchtirtule, David Keir there, Johnne Reid in Kinghorne, Thomas Patersoun there, Florens Patersoun there, Andro Broun, clerk there, Johnne Lokhart there, Johnne Cunynghame in Leyth, James Fergus, *alias* King of Culrois, David M°Inroy there, Robert Bennet there, and Williame Bad in Torriburne, for their wrongous and violent spoliation, in February 1588, of the following goods furth of the ship called "the Barnabie":—(1) Six score sixteen "cumis" or bolls of wheat, six score bolls of rye, thirteen score and eighteen bolls malt, price of each boll overhead in English money, 11s. 6d., and in Scots money £5, 6s. 8d., all belonging to the said Edmond; and (2) the whole furniture of the said ship, estimated at £2311, 10s. scots, with forty "cumis" malt and forty "cumis" wheat, price of each "coume" as above, pertaining to the said Williame Wasselbie,—the said Williame "then being in possessioun of the said schip, with the furnitour thairof, as maister and ownair of the same ship, and haveand the saidis fourty cumes or bollis malt and fourty cumis or bollis quhyte thairin pertening to him as portage; and the said particulair quhyte, ry and malt abonespecifeit pertening to the said Edmond, and than being in his possessioun as his awne propir victuaill, as he quha had hyrit and conduceit the said ship frome Wellis to Berwick with the said victuaill: swa that the same pertenit to thame as thair awne propir schip and victuaill, and wes then interceptit be the way be certane pyrottis, quhairof George Patersoun, Fleming, wes then principall, accumpanyed with certane Scottis men, quha pilleit and tuke away the said schip and victuaill foirsaid, and arryvit thairwith at the porte of Montrois, and thair disponit upoun the same victuaill and furnitour at thair plesour to the particulair personis abonespecifeit" (*ante*, p. 558).—Parties having been summoned, and the said Edmond appearing for himself and as procurator for the said Williame, and the said Thomas Shewane, Alexander Taillior, Henrie Bany, David Croill, David Lamb, Williame Peiris, Thomas Smyth, and David Guthrie being also present, but the other defenders failing to appear, the Lords, having considered the rights and Page 76.

Acta 1591–94. allegations of both parties, together with the depositions of divers famous witnesses, decern that the said Niniane Hill, Thomas Shewan, Alexander Tailliour, Johnne Mekiesoun, Williame Esplene, David Beg, Johnne Colme, Johnne Shewen, Williame Peiris, David Lamb, David Guthrie, Johnne Wodcoke, Johnne Lammert, David Keir, Johnne Reid, and Robert Bennett, havedone wrong in the foresaid spoliation as regards the said Arnold, and therefore ordain the said persons to restore the victuals foresaid to him in as good condition as they were when taken from him, or else to pay to him the prices thereof as above fixed,—the said Edmond having "maid faith and declairit be his grite aith that the said victuaill spuilyeit fra him furth of the said schip extendit to the avale, quantitie and pryceis abone mentionat." Farther, they assoilzie the rest of the foresaid defenders, viz., Jonnett Monypenny, Henry Bany, James Lamb, Thomas Smith, Marjorie Duncane, David Croill, James Thomesoun, Thomas Patersoun, Florens Patersoun, Andro Broun, Johnne Lokhart, Johnne Cunynghame, James Fergus, David M^{c}Inroy and Williame Bad, *simpliciter* from the pursuit of the said Edmond and Williame,—the said pursuers having failed to prove anything against them. They also assoilzie all the defenders from the petition of the pursuers "tuicheing the cablis, ankeris, mastis, saillis and remanent furnitour and ornamentis of the said schip, *simpliciter*,"—because it was excepted and alleged for them by Williame Barclay that Williame Murray, bailie of the burgh of Monrois, by command of a letter subscribed by the King at Abirdene 1st May 1589, passed to the "sellair quhair the saidis ornamentis and furnitur wer lying, brak up the durris thairof, intromettit with the same ornamentis, and with ane anker and tow being in ane crear pertening to the said Williame Bad," and delivered the same to Nicolas Wasselbie, Englishman, upon 18th of said May, "quha ressavit the samin, and thairby grantit his Hienes charge to be deulie fulfillit in all pointis; lyke as he exonerit and dischargeit the saidis provest, baillies, counsale, and communitie of the said burgh, of the said schip and of hir haill raidschip.

Page 77. Quhilk exceptioun and allegeance being found relevant for elyding of the pointis of the saidis summondis for that parte," the said Williame Barclay verified the same by producing an instrument subscribed by James Guthrie and David Falconner, notaries, dated 18th May 1589, and also for the sum of 1000 merks, modified for the "coistis and expenssis maid and sustenit be the saidis persewaris in persute of the said actioun." And, although the foresaid spoliation ("except the saidis ornamentis") was proved for the part of the said Williame Wasselbie against the said Niniane Hill and his co-defenders before mentioned, yet his Majesty and the said Lords "superseidis the geving of decrete condampnatour aganis thame upoun the quantitie and pryceis of the victuaill spuilyeit fra him contenit in the saidis summondis" till the said Williame give his oath thereanent. And, because he is not at present in this country, commission is given to the Mayor and Council of Lin in England to receive his oath of verity as to the quantity and prices spuilyied from him furth of the said ship; and the

same is ordained to be reported to the King and his Council by 17th November next, to the effect they may pronounce their decree at the instance of the said Williame against the foresaid defenders. Acta 1591-94

Order to Lord Gray, anent the King's horse taken by his son.

Order to Patrik, Lord Gray, who is "personalie present," to deliver to the King, or one of his master stablers, upon 12th January next, "his Hienes awne hors callit , quhilk wes unhonnestlie tane away be James Gray, sone to the said Lord, and sumtyme servand to his Majestie," and also to bring the said James before the King or expel him furth of this realm by 31st January next, or, failing hereof, that the said Lord enter in ward in Dunbartane castle upon the same day.

Edinburgh, 19th Dec.
Caution for John Pollock and others.

Caution by Alexander Cunynghame of Craganis, for Johnne Pollok in Grene, Johnne Pollok in Arthourlie, and Robert Pollok in Polloktoun, in 500 merks each, that Johnne Pollok in Newtoun, David Pollok, his son, and Mathew Young in Bennen, shall be harmless of them,—Mr Andro Cunynghame, vicar of Stobo, becoming cautioner in relief.

Caution for James and John Pollock.

Caution to the same effect by Sir Mathew Stewart of Minto for James Pollok, son of Johnne Pollok in Grene, and by Johnne Stewart, younger of Barscuib, for Johnne Pollok, also son of the said Johnne Pollok, in 500 merks each.

Caution for Forbes of Corsindae.

Caution in 2000 merks by James Ogilvy of Blairak for James Forbes of Corsindae, that he will not harm Margaret Gordoun, relict of Johnne Gordoun of Cluny, or Sir Thomas Gordoun of Cluny, her son.

Edinburgh, 20th Dec.
Caution for Abercromby of Carsie.

Caution by Henry Abircrumby of Carsie, as principal, and Richard Abircrumby of Poltoun, as surety for him, that James Abircrumbie, fiar of Carsie, shall be harmless of him, under the pains contained in the letters raised to this effect.

Holyrood-house, 22nd Dec.
Charge to the Master of Eglinton and others to keep the peace.

Charge to the following persons to appear before the King and Council upon 19th January next, and find caution that they and all that they are bound for shall keep the King's peace, under the penalties here specified—viz., Robert, Master of Eglintoun, Robert, Lord Semple, and Thomas, Lord Boyd, each in 10,000 merks; Hew Cample of Terrinyeane and Thomas Kennedy of Bargany, in £5000 each; Robert Mure of Cauldwell and Neill Montgomerie of Langshaw, in 5000 merks each; and Hew Montgomerie of Heislett (Hessilheid) and Robert Montgomerie of Skelmurlie, in £2000 each: farther that the said Master of Eglintoun shall not repair within the bounds of the Lennox and shire of Renfrew benorth the Blak and Quhyte Waters of Cart till he obtain the King's licence. Page 78.

Caution for Burnett of the Barns.

Caution in 1000 merks by Johnne Murray of Blakbarronie for Williame Burnett of the Barnis, that he shall answer before the Council upon 29th instant "tuicheing sic deidlie feidis as he hes interesse in."

Caution for Andrew Clerk.

Caution in 1000 merks by Mr Johnne Provand, burgess of Edinburgh, for Andro Clerk in Coustoun, that he will not harm Andro Downy, servant to Sir Robert Melvill, treasurer.

Acta 1591-94.

Caution in £1000 by Johnne, Master of Forbes, for James Cheyne of Straloch, that he and those for whom he is answerable shall keep the King's peace. Caution for Cheyne of Straloch.

Caution in 1000 merks by James Abircrummy, fiar of Carsie, for Robert Quhyte, burgess of Kirkaldy, that Thomas Myller, Alexander Law, elder, Williame Lamb, Alexander Auchmoutie, Johnne Neving, Johnne Halkett, Henry Neving, burgesses of Kirkaldy, shall be harmless of him. Caution for Robert White, burgess of Kirkcaldy.

Caution in 500 merks by Neill Montgomerie of Langshaw for Robert Turnbull, maltman, burgess of Glasgu, that he will not harm Johnne Pollok in Weltoun, David Pollok, his son, or Mathew Young in Bennen. Edinburgh, 23rd Dec. Caution for Robert Turnbull, burgess of Glasgow, and James Forrett of Borrowfield.

Caution in £500 by David Betoun, apparent of Carsgony, for James Forrett of Burrowfeild, that he will not harm Richard Wedrop in Dalmarnok.

Sederunt—Rex; Dux Lennocie; Cancellarius; Montrois; Maxwell; Lindsay; Uchiltre; Thesaurarius; Secretarius; Blantyre; Clericus Justiciarie; Computorum Rotulator; Collector Generalis. Holyroodhouse, 24th Dec.

Complaint by Agnes Urne, relict of Cuthbert Murray, burgess of Annand, Charlis Murray, his brother, and his other kin and friends, as follows:—Johnne Johnnestoun of Neubie, Robert, Abraham and Edward Johnnestonis, his father-brothers, Johnne Johnnestoun of Milfeild, Robert Johnnestoun of Bownie, with their accomplices, "all bodin in feir of weir," came to the town of Annand in May last, and, finding the said Cuthbert "besyde his awne hous in peceable and quiet maner," most shamefully and cruelly "slew him upoun sett purpois,"—passing afterwards to the place of Neubie, where they were all reset "with the bludie hand" by the said Laird of Neubie.—Charge having been given to the said Abraham and Edward, Johnne Johnnestoun of Milfeild, Robert Johnnestoun of Bownie, and Robert Johnnestoun, father-brother of the said Johnne Johnnestoun of Neubie, to appear and answer, and none of them appearing, while the said Charles Murray appears for himself and the other complainers, the order is to denounce the defaulters rebels. Order to denounce Abraham Johnston and certain others.

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Caution by James Tennent of Lennox for James Cochrane of Blakcraig, that David Dundas of Preistisinche shall be harmless of him, under the pains contained in the letters raised to that effect. Caution for Cochrane of Blackcraig.

Caution in 500 merks by Johnne Arbuthnott, son and apparent heir of James Arbuthnott of Lentushe, for Williame Leslie in Dyce, that he will not harm Mathew Guild, armourer, burgess of Abirdene. Caution for William Leslie in Dyce.

Registration, by Mr Thomas Craig, advocate, as procurator for the parties, Edinburgh, 27th Dec.[1]

[1] This was the day of a tremendous enterprise in Edinburgh,—nothing less than an attempt of Bothwell to possess himself of Holyroodhouse and seize the King and Queen there. Perhaps the most coherent and intelligible account of this famous affair is that given by Spotswood (pp. 386, 387) as follows:—"Whenas the King did think that all was quiet, and Bothwell so weakned as he could not make any trouble (for Buccleuch,

Band for Lawson of Humbie.

of a band of caution in £1000 by Sir Johnne Edmestoun of that Ilk for James Lausoun of Humbie, that he will not harm Hary Broun in Ovir Keith. Subscribed this day at Edmestoun before Richard Lausoun, Archibald Broun, Williame Carnecroce, Robert Turnay. Acta 1591-94.

Band for William Hume in Whiterig.

Registration, by Mr Johnne Arthour, advocate, as procurator for the surety, of a band of caution in 1000 merks by George Auchincraw (Craw), portioner of Eist Restoun, for Williame Hume in Quhyterig, that he and all for whom he is answerable shall keep the King's peace. Subscribed at Eist Restoun, 22nd December, before Alexander Lauder, son of Captain Andro Lauder, David Craig, and Johnne Thomesoun.

Holyrood-house, 29th Dec.

Sederunt—Cancellarius; Montrois; Maxwell; Lindsay; Seytoun; Thesaurarius; Clericus Justiciarie; Computorum Rotulator; Collector; Clericus Registri; Culluthy; Carmichaell.

Order to denounce Ellis Logan and others.

Complaint by Sir Robert Melvill of Murdocairny, treasurer, and Johnne Andirsoun, servant to Johnne, Lord Thirlstane, chancellor, donator of the escheat underwritten, for his interest, as follows:—Eleis Logane, Johnne

his son-in-law, was by licence gone into France, and all the gentlemen of the south parts who were of any worth had given surety to have no medling with him), there were found in the Court itself instruments apt enough to serve his turn. For, of the Duke of Lennox his retinue, some that envied the Chancellor's credit with the King, and others whose hopes wholly depended upon the trouble of the state, did, by secret messages, incite Bothwell to enterprise somewhat for himself, offering to bring him within the King's palace unperceived, where, with a few hands, he might make himself master of the King and all the Court. Bothwell is easily drawn to condescend, and the conspiracy so ordered that he with his followers should under night be let in at a back passage that lay through the Lord Duke his stables; and first they should seise upon the gates, take the keyes from the porter, and go after that to the Kings chamber and make him sure. Within the palace were divers privy to the conspiracy, especially Colonell William Stewart, John Neswith, chirurgeon to the King, and James Dowglas of Spot. [Spotswood here explains what private reasons had drawn this last person, Douglas of Spot, into the enterprise, viz., the imprisonment at that moment of his servants in the palace, with a view to put them to torture on a charge of slaughter in which he was himself implicated.] When Bothwell with his company had entred by the way named, and was come to the inner court of the palace, James Dowglas, that minded nothing but the relief of his servants, drew a number to break open the doors where they were detained, and by the noise thereof all in the palace were put upon their guard. The King was then at supper, and, being told that armed men were in the nether court, leaving the rooms wherein he lodged, went up to the tower, as to a place of greater surety. Bothwell, having directed some to enclose the Chancellor's lodgings lest he should escape, made towards the Queen's rooms, where he expected to find entry, and, perceiving all shut upon him, called to bring fire. But, ere they could find any, Sir James Sandilands, one of his Majesties chamber, who had supped without the palace, with a number of the people of Edinburgh, entring by the church of Halirudhouse, did beat him and his company from the doors, and was in possibility to have taken them all if there had been any lights; but, those being all extinguished, Bothwell, with the principals of his company, made shift in the dark and escaped, returning by the same way that he entred. In his outgoing he was encountred by a gentleman of the esquiry, named John Shaw, whom he killed with a pistoll,—yet lost some nine of his followers, men of small note, who were executed the next morning." In Calderwood (v. 141,142) will be found a list of the persons, about fifty in all, implicated with Bothwell in the attempt. The Duke of Lennox himself, dissatisfied with the practical supremacy of Lord Chancellor Thirlstane, was thought to have secretly favoured the attempted revolution. The consequences of the affair will follow us through the Register for some time.

Acta 1591-94. Edzair, and Rowy Thomesoun, burgesses of Wigtoun, having been put to the horn by virtue of letters raised by Johnne Dungalsoun, elder, for not paying to him certain sums of silver, the King had disponed the gift of their escheat to the said Johnne Andirsoun, who accordingly had caused arrest certain sums belonging to the said rebels. But the said Roger, "be collusioun betuix him and the saidis rebellis, alwayes to the prejudice of his Majestie and of the said Johnne Andirsoun," has delivered to them the said letters of horning, "off purpois, seing the same is nocht registrat, to defraude him of thair eschete." This fraud should be prevented, "least upoun the preparative thairof forder craft and policie be divisit"; Page 80. for it is quite certain that the said persons were denounced by virtue of the said letters, although, on their being presented for registration to Michael Cochrane, sheriff clerk of the shire of Wigtoun, conform to the Act of Parliament, he had refused to register them, as an instrument taken upon his refusal, in the hands of Williame Andirsoun, notary, bears; which instrument, however, the said notary, "at the eirnist sute of the saidis rebellis," refuses to extract for the better verifying of the said letters, unless he be compelled.—Charge having been given to the said rebels and to Williame Andirsoun to appear and produce the said letters and instrument, and none of them appearing, while the complainers appear personally, the order is to denounce the defaulters rebels.

Suspension of horning against Thomas Ogilvy *in re* the letter of marque granted to him.

Complaint by Thomas Ogilvy, burgess of Dundee, as follows:—He had been charged by the inhabitants of the burghs of this realm collectively to find caution that all the goods intromitted with by him, by virtue of a letter of marque granted to him, furth of a ship belonging to the town of Danskene, lying within Zetland for the time, should be furthcoming to all having right to the same, and also that he should execute the said letter only against the inhabitants of such burghs as are expressly specified therein (*ante*, p. 627). For his "allegeit dissobedience" he has been put to the horn,—most unjustly, inasmuch as, at the time of the giving of the said charge, he, being in Edinburgh "and astricted to sic hard conditionis of cautionarie," could get none within the said burgh to become bound for him, "and swa of necessitie he behuifit to pas furth of the said burgh to use sic moyane as possiblie he could for finding of the said cautioun, not of purpois or intentioun to have dissobeyit the said charge, bot with all reverence to have satisfeit the same in all pointis." While he was thus occupied, the King and Council had ordained the said goods to be delivered to the provost and bailies of Dundee, who were required to keep the same for the use and behoof of all "parteis haveand interes thairto as law wald." According to the said Act, the complainer, as one of the masters of the ship wherein the said goods were, had gone, with divers honest witnesses, upon 30th and 31st August last, and "loist and disburdynnit hir of hir haill laidning," and delivered the same upon inventory to the said provost and bailies, who received the said goods, as an instrument subscribed by their own town clerk, and another taken by the complainer upon delivery of the goods, bear. By such delivery the

complainer pleads that he is relieved of the caution touching the making of the said goods furthcoming; and, as to the other part of the said caution touching the using of the said letter of marque, the King and his Council have already declared the same letter to be null. On these grounds the said letters of horning ought to be suspended *simpliciter*.—Charge having been given to Williame Litle, provost, James Nicoll, Archibald Johnnestoun, Thomas Fisheair, and Williame Smaill, bailies of Edinburgh, James Forrest, provost, Alexander Ramsay, James Carmichael, and Williame Duncane, bailies of Dundee, to appear and produce the said letters of horning, and none of them appearing, while the complainer appears personally, the Lords do suspend the letters. Acta 1591–9 Page 81.

Caution for Veitch of Dawick.

Caution in £1000 by Williame Cokburne of Hendirland for Williame Veche of Dawik, that he and those for whom he is answerable shall keep the King's peace.

Edinburgh, 30th Dec. Caution for certain Pringles.

Caution to the same effect in 1000 merks by Thomas Hoppringle (Pringle) of Milkeistoun, and George Hoppringle of Hattounknow, as surety for him; in £1000 by Williame Burnett of Barnis, and James Patersoun of Caverhill, as surety; in 1000 merks by Johnne Hoppringle of Murehous, and Malcolme Hoppringle (Pringle) of Corrilferry, as surety; and by George Hopprigle of Craiglethe and Thomas Hoppringle of Trinlieknowis, and James Hoppringle of Torsons, as surety for them in 1000 merks each.

Holyrood-house, 31st Dec.

Sederunt—REX; Dux Lennocie; Cancellarius; Angus; Mortoun; Mar; Montrois; Lindsay; Thesaurarius; Secretarius; Neubottle; Blantyre; Clericus Registri; Carmichaell.

Alexander Lawrie against the provost and bailies of Edinburgh.

Complaint by Alexander Loury, merchant, burgess of Edinburgh, as follows:—The provost and bailies of Edinburgh, having been called before the King and Council at his instance, for intromitting with eight score and seventeen bolls of wheat belonging to him, which he had intended to export, conform to the licence granted to him, had been ordained "to caus the same victuaill be girnellit in sum sellair in Leith quhill tryale wer tane quhidder the said Alexander had transcendit the previlege of the said licence or nocht; quhilk victuaill, as he is informeit, is now girnellit, swa that thair restis na forder bot his Hienes and the saidis Lordis declaratour to be gevin upoun his using of the said licence."—Charge having been given to Williame Litill, provost, James Nicoll, Archibald Johnnestoun, Thomas Fisheair, and Williame Smaill, bailies of the said burgh, to appear and hear it declared that the said complainer had not exceeded the bounds of his licence, and that therefore they must restore his said victual and "sekkis quhairin the samin wes contenit," and the pursuer and defenders now appearing personally, the Lords, after considering the allegations of both parties, together with the said licence and with the proclamation discharging the exporting of victual (*ante*, p. 589), ordain the defenders to restore so much of the said victual as is extant, "unsparallit or disponit

Acta 1591–94. upoun," to the said Alexander, "to be usit be him according to his Majesteis directioun to be gevin thairanent."

Caution by George Hoppringle of Blindley, as principal, and Andro Ker of Yair, as surety for him, in 1000 merks, that he and all for whom he is answerable shall keep the King's peace. Caution for Pringle of Blindlie.

Page 82. Caution in 1000 merks by Johnne Seytoun of Piteddie for Andro Downy, servant to Sir Robert Melvill of Murdocairny, that he will not harm Andro Clerk in Coustoun, or Alexander Clerk, donator to the lands thereof. Caution for Andrew Downie.

The King, with advice of his Council, "for certane caussis and considerationis moving thame, tending to the observatioun of his Hienes peax," ordains letters to be directed charging James, Earl of Glencairne, to enter in ward in Edinburgh Castle, within six days after the charge, under pain of rebellion,—the executioner of the said letters to deliver to the Earl the King's other letter for his receipt in ward. Charge to the Earl of Glencairn.

Page 83. Caution by Johnne Cuming, eldest son of Robert Cuming of Bogy, as principal, and Johnne Ros, provost of Narne, as surety for him, in £1000, that he will not harm Patrik Dunbar, prebendary of the Chapel Royal of Striviling. Edinburgh, 4th Jan. 1591–92. Caution for John Cumming.

Caution in 1000 merks by James Wemys of Bogy for Johnne M^{c}Duff, *alias* Barroun, that he will not harm Johnne Dog of Pethill. Edinburgh, 5th Jan. Caution for John M^{c}Duff.

Sederunt—Rex; Dux Lennocie; Cancellarius; Angus; Mortoun; Montrois; Maxwell; Lindsay; Spynie; Thesaurarius; Neubottle Blantyre; Secretarius; Clericus Justiciarie; Collector. Holyrood-house, 6th Jan.

Although Sir Johnne Edmestoun of that Ilk had become surety in the year for Walter Scott of Branxholme, that he should present such as he was answerable for by the general band before his Highness or his Justice and satisfy parties skaithed, yet, upon 15th December last, Walter, David and Williame Scottis, sons of Walter Scott of Gouldielandis, Watt Scott of Harden, Williame Scott, his brother, Williame Scott of Burnefute, Robert *alias* Rob Scott of Burnefute, his brothers, and Walter Scott of Quhitsled, with their accomplices, to the number of about 200 persons, tenants and servants of the said Walter Scott of Branxholme, "all bodin in feir of weir," had come to the lands of Drummelyeair and Dreva, and violently reft furth thereof 4000 sheep, 200 cows and oxin, and 40 horses and mares, valued in all at , belonging to James Tuedy of Drummelyeair and Adam Tuedy of Dreva, "togidder with the haill insicht and movablis of thair tennentis houssis," valued at £2000.—The offenders being the said Walter's men, charge is given to the said Sir Johnne to enter them before the King and Council upon instant, that they may be made answerable, with certification that, if he fail, he shall be decerned to pay to the said James and Adam the sums foresaid. Charge to Edmonston of that Ilk to enter certain persons.

Page 84. Caution by Mathew Birsbane in Nethir Skulok, and Johnne Stewart, younger of Barscuib, as surety for him, in 1000 merks, and by the said Caution for Matthew and John Brisbane.

Mathew and Johnne for Johnne Birsbane, son of the said Mathew, in 500 merks, that they will not harm Thomas Cunyburgh of Skuloch. Acta 1591-94.

Band for Allan, John, and Thomas Jackson.

Registration, by Mr Umphra Blenseill, advocate, as procurator for the parties, of a band of caution by James Weir of Blaikwod for Allane Jaksoun in Gruslingtoun, and Johnne and Thomas Jaksonis, his brothers, in 300 merks each, that Thomes Hammiltoun in Edeistoun, Johnne Hammiltoun, his son, Johnne Hammiltoun in Langrig, Alexander and Johnne Hammiltonis, his sons, Thomas Broun in Kipsyde, his brother, James Hammiltoun in Tueidsyde, James Cuthbert in the Chappell in Blaikwode, and Thomas Cuthbert in Avandale, shall be harmless of the said persons. Subscribed at Lesmahago, 5th January, before Mr Williame Weir, son of James Weir of Blackwoode, George Weir, mason, Bobert Paitt in Quhytehill, and Thomas Weir of Ponell,—Thomas M^{c}Casky, notary public, subscribing for the said Allane and Johnne Jaksoun.

Band for Lord Boyd.

Registration, by Mr Johnne Skene, advocate, as procurator for the principal, and by Johnne Haliday, advocate, as procurator for the sureties, of a band of caution in £1000 by James Aslos of that Ilk, Adam Aslos, apparent thereof, Hew Wallace of Menfurde, and Johnne Wallace, apparent thereof, for Thomas, Lord Boyd, that he will not harm George Cunynghame in the Rawis of Grugair. Subscribed at Kilmarnok, 4th January, before David Kelso, younger of Kelsoland, Johnne Darleyth, younger of that Ilk, Mr Robert Wilky, minister at Kilmarnok, and Thomas Mure.

Band for Thomas Ross and others.

Registration, by Mr Johnne Skene, advocate, as procurator for the surety, of a band of caution to the same effect by Thomas, Lord Boyd, for Thomas Ros, younger in Bordland, Robert Craufurde in Nethirtoun, Johnne Boyd, officer in Kilbryde, Thomas Boyd in Newtoun there, Hew Quhyte there, Robert Boyd in Nethirmilne there, James Boyd in Kittildelne, and Robert Boyd in Undirhill, in 500 merks each. Subscribed and witnessed as above.

Edinburgh, 8th Jan. Caution for King of Barah.

Caution in £1000 by James Forbes of Corsindae for Williame King, sometime of Barrauch, that he and all for whom he is answerable shall keep the King's peace.

Edinburgh, 10th Jan.[1] Caution for Maxwell of Cowhill.

Caution by George Hereis of Madinpap and Williame Maxwell of Culshangane for Archibald Maxwell of Cowhill, that Jeane Dynwiddie, and Johnne Maxwell, tutor of Aikinheid, her spouse, shall be harmless of him, under the pains contained in the letters raised to that effect. Page 85.

Edinburgh, 11th Jan.

Caution by Patrik Barclay of Towie for Johnne Gordoun of Newtoun in 1000 merks, and for Williame Andirsoun in Threefeild of Bonnytoun,

[1] "Upon Moonday, the tenth of Januar, a proclamatioun was made at the Croce of Edinburgh, tuiching the apprehensioun of the Erle of Bothwell, and promises made to anie that would kill him. In this proclamatioun Bothwell was declared to be one of the factioun of the Bridge of Dee. It was thought to be penned by the King himself" (Calderwood, v. 143,144). There is no appearance of this proclamation in the Register of Council, though there seem to be subsequent references to it.

Acta 1591–94. Robert Andirsoun there, Patrik Manye there, Alexander Andirsoun there, Williame Andirsoun in Muriehillak there, in 300 merks each, that they will not harm Patrik Leith of Hairthill, or Johnne Leith, his son and apparent heir. Caution for Gordon of Newton and others.

Sederunt—Rex; Dux Lennocie; Hammiltoun; Cancellarius; Mortoun; Montrois; Maxwell; Lindsay; Spynie; Uchiltrie; Urquhart; Blantyre; Secretarius; Clericus Justiciarie; Computorum Rotulator; Carmichaell. Holyroodhouse, 12th Jan.

Johnne Dryisdell in Littill Barnbowgall, having failed to appear to answer to such things as should have been inquired of him, is to be denounced rebel. To denounce John Drysdale.

David Orme of Mugdrum to be denounced rebel for his not appearing, as charged, to answer touching the "lait tressounable conspiracie attempted be him and certane uthiris his Hienes unnaturall subjectis aganis his Majesteis awne persone within the palice of Halirudhous" (*ante*. p. 705, footnote).—Williame Leirmonth of the Hill to be denounced for the same reason. To denounce Orme of Mugdrum and Leirmonth of the Hill.

Declaration by the King and Council that David Hammiltoun of Bothuilhauch, and Issobell Sinclair and Allesoun Sinclair, heritors-portioners of the lands of Wodhouslie, shall be restored to their lands and houses "quhairfra thay wer dispossest throw occasioun of the lait troubles," in conformity with the Act of Parliament of 10th December 1585 (Acts of Parl., 1585, c. 21, iii. 383), notwithstanding any provision or exception obtained to the contrary,—"the samin being procuirit be sinister informatioun, fer by his Majesteis trew meaning," and tending "not onlie to the violatioun of his Hienes generall peax," but to his Page 86. Majesty's particular favour extended to Claud, Commendator of Paislay, and to his friends, being then in France, "off the quhilkis the said David Hammiltoun of Bothuilhauch wes ane of the maist speciall." Act in favour of Hamilton of Bothwellhauch.

The King and Council understanding that the tacks of the bishopric of Ros, obtained by Mr Williame Leslie from Johnne, Bishop of Ros, "ar querrellit," because the benefit of the Act of Parliament, passed in his favour at Edinburgh in June (? July) 1589, could not be extended to him, in consequence of his not having made confession of his faith, conform to an Act of Secret Council, dated 29th May 1589 (*ante*, p. 338), notwithstanding that the King and Council had, on 23rd June last, annulled the said Act of Council, "sa fer as micht prejuge the said Mr Williame and Dame Dorathie Stewart, Countesse of Gowry, of thair richtis and titlis," and ordained all tacks and other securities made to the said Mr Williame and Countess by the said Bishop since his restitution (*ante*, p. 641) to be valid and sufficient; and understanding, moreover, that the cause of the impediment "is that the ministerie had, upoun the [4th] day of [August] last bipast, obtenit ane Act of Counsale aganis the said Johnne, Bischop of Ros [*ante*, p. 664], quhilk the said ministerie promeist to his Majestie nocht to use aganis the saidis Mr Williame and Dorathie Act in favour of Mr William Leslie and the Countess of Gowrie, in the matter of tacks of the bishopric of Ross.

Countes of Goury and thair richtis": it is now declared that the foresaid rights and titles to the said benefices are valid and sufficient to the said persons, notwithstanding any Acts of Parliament and Council, or any invalidity in the person of the said Bishop. Acta 1591-94.

Hume of Polwarth against Cranston of Moriston.

Complaint by Patrik Hume, apparent of Polwart, that, although his Majesty had disponed to him the ward, non-entries, and marriage of Patrik Cranstoun, son and heir of the late Thomas Cranstoun of Corsbie, and promised that no other gift should be granted of the same, yet Johnne Cranstoun of Moreistoun has "surreptitiouslie purchest ane new gift of the said warde and mariage," expressly contrary to the King's warrant directed to the Treasurer for staying thereof.—The complainer appearing personally, but the defender neither appearing nor having produced the said gift, as charged, his Majesty decerns the said gift to have been passed and obtained without his knowledge and against warrant, and therefore, with advice of his Council, declares the said gift to have been and to be null. Page 87.

Act in favour of William Stewart, Commendator of Pittenweem, for his great services to the King in foreign nations, and especially in the embassies to Denmark.

Remembering the good service done by Williame Stewart, Commendator of Pittinweyme, in foreign nations, "not onlie in his Majesteis awne particulair service, bot alswa in the publict effearis of his Hienes realme, tending to the singulair proffeit and commoditie of the same and haill liegis thairof, and speciallie in divers voyageis and ambassadreis quhairin he wes imployit in the pairtis of Denmark, for intreating upoun the mater of his Hienes mariage, in the quhilk he hes, with grite travell, honnour and diligence, upoun his sumptuus chargeis and expenssis, honnourablie dischargeit his dewitie;" and considering that "it aggreis with his Hienes princelie honnour not onlie to satisfie the saidis chargeis and expenssis, bot alswa to recompens and rewarde him for his travell and panes, quhairby he may have the greitar occasioun the mair ferventlie to travell and apply his mynd to do his Hienes service dalie mair and mair in tymes cuming"; and considering also that the said Commendator renounces and quitclaims to his Majesty the sum of 10,000 merks as a part of the sums disbursed by him in his Majesty's service: therefore, and for divers other causes, his Majesty, with advice of his Council, ratifies a letter of factory granted under the privy seal, of date 1st May 1589, to the said Commendator, of all and sundry the lands and others whatsoever which belonged at any time bygone to the archbishopric of Sanctandrois during the lifetime of Patrik, bishop thereof, and for the space of fifteen years thereafter, together with a charter granted under the great seal, dated 13th September 1588, to the said Commendator, of all and whole the lands and barony of Barrie, with the teinds, if any be included, lying within the shire of Forfair, and of all and whole the lands of Byrehillis, Polduff, and Kincaple, with the pertinents, declaring the foresaid letters of factory and charter above written to be as valid and effectual in all respects to the said Commendator as if the same were ratified in Parliament, or as if the whole temporal lands of the said archbishopric were erected into a temporality and the said Commendator

Acta 1591-94. heritably infeft therein, and the same, with the other infeftment of the foresaid lands and barony, ratified and approved in Parliament,—which his Majesty, with advice and consent of his Council, faithfully promises, "in the inviolabill worde of a Prince," to cause to be done "in sic sorte that thairby" the said Commendator may enjoy and possess the foresaid lands and privileges in all time coming, or at least till his Majesty and successors shall pay to him or his heirs the above sum of 10,000 merks and other sums disbursed by him in his Majesty's service, and till he be further recompensed for his labours. And, for the said Commendator's greater security in the foresaid whole lands and privileges, his Majesty, with advice of his Council, declares that the infeftment thereof made by his Highness to the late James Meldrum of Segye, and all other gifts of the same or any part thereof granted to any person or persons, "hes becum and fallin undir his Majesteis last generall and grite Revocation," and therefore decerns the same to be null in all time coming, discharging the writers and keepers of the Privy and Great Seals to write to the said Seals or pass through the same any charter of any temporal lands of the said bishopric, or any gifts of pensions, escheats, wards, marriages, non-entries, or any other gift of any casualty whatsoever, which belonged to the archbishops thereof before the late Act of Annexation, and discharging also the Treasurer and Collector-General from passing of any signatures of the said temporal lands.

Page 88. The King and his Council understanding that there are sundry persons guilty art and part with Frances, sometime Earl Bothuile, "in the lait tressounable conspiracie, attemptit within his Hienes palice of Haliruid-hous upoun the xxvii day of December last bipast, for bereving of his Majestie of his lyffe and crowne, and that uthirwayes ar dilaitit and suspect to have bene upoun the foirknaulege and devise of the same conspiracie, quhilkis nicht and day travellis and rydis ouer all pairtis of this realme with thair faceis coverit, and uthirwayes disagysit, caryand sindrie letters and messageis of dangerous effect and consequence to and fra divers uthiris personis not weill affectit to his Majestie and the quietnes of his present estate and cuntrey; lyke as sum of the saidis tressounable conspiratouris intendis to depairt furth of this realme, pairtlie for eschewing of punishment dew for the said tressounable cryme, and pairtlie for trafficqueing with the inemeyis of the trew religioun, to the prejudice of the samin, and consequentlie of the royall persone and authoritie of his Majestie, and all his gude subjectis, giff tymous remeid be not providit": his Majesty, with advice of his Council, therefore ordains letters to be directed to officers of arms charging them to command all and sundry the lieges, by open proclamation at the market crosses of the head burghs, that none of them presume "to ryde or gang, nicht or day, to or fra in ony parte of this realme with thair faceis coverit, or uthirwayes disagysit, in tyme cuming," under pain of being held and pursued as art and part with the said conspirators; and, to the effect they escape not unpunished, to command all the officers and

Proclamation "aganis thame that rydis missellit," with special reference to those concerned with the Earl Bothwell in his late attempt at Holyrood-house.

ministers of the law, in burgh and landward, to apprehend all persons riding or going in any place with their faces "coverit, misallit or disagysit," and, if they be unable to do so, to "ryse, schowte, rais the fray," and follow them with their whole force till they be apprehended, and to notify to his Majesty the names of the resetters of the said offenders, under pain of being punished as traitors; and also to command the magistrates of all burghs within whose ports and havens ships arrive, as also the customers and cocketers within the said bounds, not to permit any of the said ships to depart at any time hereafter, or custom their goods, till they give up the names of their "equippage and cumpany" to his Majesty, and find caution that they shall not transport any of the said conspirators specially mentioned in the King's late proclamation, or any others that hereafter "salbe dilaitit gilty of the said tressounable cryme," under the pain of death, and of confiscation of the ships and all other moveables as well of the transporters as of the said magistrates and cocketers who shall be found negligent in the premisses. Acta 1591-94.

Caution for Gordon of Savock.

Caution in 1000 merks by Sir Patrik Gordoun of Auchindowne for Robert Gordoun of Sawak (Sauchok), that he will not harm George Auchinlek of Balmanno.

Holyrood-house, 13th Jan.[1]

Sederunt—Rex; Dux Lennocie; Cancellarius; Mortoun; Montrois; Maxwell; Lindsay; Thesaurarius; Uchiltrie; Secretarius; Lynclouden; Blantyre; Culluthy.

Act anent the cunyie.

As, notwithstanding the Act made by the Convention of Estates in August last (*ante*, p. 666), concluding that the whole gold, silver and alloyed money then current, except the thistle noble with the penny and two penny placks, should be brought in and delivered to the master cunyeor within a certain time, and at prices specified, to be recoined, new prices being fixed for the course at which different foreign coins should pass, yet few or none of the lieges have brought in the said gold, silver and alloyed money, or received the said foreign gold and silver at the prices fixed,—"be the quhilk the said reductioun is and hes bene gritlie hinderit, and the formair disordour and confusioun in the cuntrey lyke to be continewit,"—therefore, the King, with advice of his Council, ordains letters to be directed charging all and sundry the lieges, "yit as of befoir," by open proclamation at the market crosses of the head burghs, to inbring and deliver to the master cunyeor, and Alexander Huntair, burgess of Edinburgh, his Majesty's exchanger, all the gold and silver at present current within the realm (the thistle noble only excepted) and the said alloyed money, in the form and at the prices specified in the said Act, certifying all that may not bring in the said alloyed money quickly "that the samin Page 89.

[1] "Upon the 13th of Januar the King road from the Palace of Halyrudhous eastward, to apprehend Bothwell, but had almost beene drowned in a poole of water, if he had not beene rescued and pulled furth by the necke by a yeaman, where the courteours durst not venture" (Calderwood, v. 144).

Acta 1591–94. salbe decryed to ane lawer pryce." Farther, his Majesty, with advice of his Council, "for eschewing disordour and diversitie of pryceis, alswele of foreyne as of gold cunyeit within this cuntrie," has also concluded that "na gold sal have course amangis his Hienes liegis in tyme cuming, except the following spacies," at the prices underwritten:—viz., the new piece of gold having the portrait of the King's face, at £4; thistle noble of gold, at £7, 6s. 8d.; old rose noble, at £6, 13s. 4d.; angel noble, at £4, 8s.; double ducat, at £6; French crown, weighing two deniers and 14 grains, at 54s.; pistolet, at 53s.; the old 44s. piece, at £4; three pound piece with the Queen's face, at £6; abbey crown, at 53s.; four pound piece, at £4, 10s.; the lion noble, lately coined for £3, 15s., now at £4. Also, his Majesty ordains the English and Scots testanes to be current hereafter at 8s. each piece, the forty shilling piece at 40s., the thirty shilling piece at 30s., the twenty shilling piece at 20s., and so the third parts thereof *pro rata*, discharging all other sorts of gold pieces from currency hereafter, and all and sundry the lieges from making exchange therewith, under the pain of escheating of the same, and warding of their persons, with certification that, if any person shall receive or give forth in exchange any of the said testanes, 40s., 30s., 20s., and 10s., pieces, "with the foirnameit spaceis of gold," on any other than the appointed prices, the same shall be escheated to his Highness's use, and they punished in their persons. And, "becaus the gritest occasioun of the transporting of his Hienes money furth of this realme, and hichting of the pryceis thairof appeiris to proceid throu the libertie that sindrie personis hes tane upoun thame to be exchangearis of gold and silver," therefore, the King, with advice of his Council, discharges the lieges "off all bying, ressaving, or making exchange of gold, silver, or allayed money," except the said Master of the cunyiehous and Alexander Hunter,—"as alswa dischargeis all maner of personis quhatsumevir off all melting, breking doun, or affynning of ony maner of
Page 90. gold, silver or allay," except such persons as have been authorized by his Majesty to that effect,—under pain of confiscation of all their moveables. The treasurer and King's advocate are to prosecute with all rigour the contraveners of the premises in any point, and also to "gratifie" the informers upon any person exporting the said cunyie with the sum of £100 furth of the moveables of persons contravening. This Act is ordered to be "imprentit, quhairthrou nane pretend ignorance thairof."

Caution in 500 merks by Johnne Arnott, burgess of Edinburgh, for James Sinclair in Furdemiln, that he shall appear and answer to such things as shall be laid to his charge, upon 15 days' warning. Caution for James Sinclair.

Caution in 500 merks by Harie Gordoun of Govill, and Alexander Stevin, burgess of Abirdene, for Mathew Guild, armourer, burgess there, that he will not harm Williame Leslie, burgess of Edinburgh. Caution for Matthew Guild.

Certain of the chief kinsmen and friends on the father's and the mother's side of the late Mungo Edmestoun, brother of James, *alias* Jacobe, Edmestoun of Newtoun, having granted a letter of slains, of date 25th Edinburgh, 15th Jan. Assurance between Edmonston

of Newton and Chisholm of Dundorn

November 1587, to Sir James Cheisholme of Dundorne and Johnne Cheisholme, his father-brother, remitting all malice conceived against them, their friends and partakers, for the slaughter of the said Mungo, committed by the said Johnne within the burgh of Striviling in November 1585, Sir Johnne Edmestoun of that Ilk, Sir James Edmestoun of Duntreith, and the said James, *alias* Jacobe, as principals, for themselves and their friends, and Johnne Grahame of Knokdoleane and Johnne Stewart, fiar of Barscube, as sureties for the said Sir James and Jacobe, on the one part, and the said Sir James Cheisholme, as principal, for himself and his friends, and James, Commendator of Incheffray, and Hary Lindsay of Kinfawnis (Carestoun), as sureties for the said Sir James, on the other part, become bound that the said letter "salbe observit and keipit in all pointis, and nawayes callit in doubt or questioun upoun ony new accident that hes happynnit or intervenit amangis thame sensyne be worde or write," and that they shall not invade, trouble, or provoke one another in time coming for any cause preceding the date hereof, under the pain of perjury and infamy, and, farther, under the pain of 5000 merks, to be paid by the party failing in the premisses to the party observing the same. Acta 1591–94.

Band for Mr Andrew Boyd and others.

Registration, by Mr Johnne Skene, advocate, as procurator for the surety, of a band of caution by Thomas, Lord Boyd, for Mr Andro Boyd, his son, Johnne Lin of that Ilk, Williame Blair in Windreege, Williame Blair in Quhytecraig, Johnne Craufurde in Quhitlieburne, James Craufurde in Middiltoun, Johnne Boyd in Gowanlie, Thomas Boyd in Law of Kilbryde, Henrie Boyd, son of Robert Boyd in Breuland of Kilbryde, and Williame Kelso, brother of Thomas Kelso in Hingdoig, in 500 merks each, that George Cunynghame in the Rawis of Grugair shall be harmless of them. Subscribed at Kilmarnok, 11th January, before Johnne Blair, younger of that Ilk, David Kelso, younger of Kelsoland, Johnne Darleith, younger of that Ilk, and Thomas Mure, servitor to the said Lord. Page 91.

Edinburgh, 18th Jan. Caution for Geddes of Rauchan.

Caution in £100 by George Patersoun, burgess of Edinburgh, for Charlis Geddes of Rauchane, that James Geddes of Glentochane shall not be reset within the place of Glentochane during his rebellion,—the letters raised for rendering the said house being suspended to 20th February next, and Jeane Hammiltoun, Lady Lamingtoun, Mathew Baillie, her son, and Sir Robert Melvill of Murdocairny, treasurer, in whose names the said letters are raised, to be warned to 10th February next.

Edinburgh, 19th Jan. The owners of certain ships not to export any of those charged with participation in Bothwell's recent attempt at Holyrood-house.

Caution in £2000 by Robert Oliphant, burgess of Edinburgh, for the merchant, master, owner, and skipper of the crear called the "Elspett of Dysert," that they shall not export any of the persons guilty of the "lait tressounable conspiracie and surprise of his Majesteis palice of Haliruidhous" specially mentioned in the King's proclamation. Cautions to the same effect and in the same amount by Robert Johnnstoun, George Hoddum, Alexander Williamesoun, and David Mitchell, burgesses of

Acta 1591-94. Edinburgh, for the owners of the "Turtill Dow of Leyth"; by James Nesbitt, burgess of Edinburgh, for the owners of the "Lyoun of Dysert"; by Robert Hammiltoun and Johnne Veche, burgesses of Edinburgh, for the owners of the "Johnne of Fisherraw"; by Mr Patrik Wilkie and Andro Tindale, burgesses of Edinburgh, for the owners of the "Esperence of Leith"; by Andro Hairt, Johnne Smith, Andro Watsoun, and Johnne Haliday, burgesses of Edinburgh, for the owners of the "Jonnett of Prestoun"; and by David Clapen in Leith for the owners of the "Christopher."

Band for Mr William Methven, minister of Langton, and others in that neighbourhood.

Registration, by Mr Alexander King, advocate, as procurator for the surety, of a band of caution by Patrik Cokburne, tutor of Langtoun, for Mr Williame Methven, minister at Langtoun, James Mathiesoun, elder, James Mathiesoun, younger, George Cokburne in Schortuprig, Johnne Patersoun in Weddellis-Wellis, George Cokburne in Langtoun, Williame Cokburne in Chappelcleuch, Stevin Buckles in Langtoun, Williame Buckles in Langtoun-mylne, Robert Graden in the Craes, Mathew Belseis in Langtoun, Adam Cokburne, Thomas Cokburne, Jaspert Bukles in Langtoun-miln, James Cokburne in Kilhill, and Alexander Buckles in Quhytehill, that Williame Cokburne in Chouslie, and Marione Douglas, his mother, shall be harmless of the said persons, under the pains contained in the letters raised to that effect. Subscribed at Buttirdane, 18th January, before David Ellem in Buttirdane, Patrik Gray, servant to the Lady Buttirdeane, Adam Lauder there, and Alexander Chalmer there.

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Band for James Waterston of that Ilk.

Registration, by Mr Johnne Dempstair, advocate, as procurator for the parties, of (1) Caution in 1000 merks by Johnne Allirdes of that Ilk for James Watterstoun of that Ilk (? Johnne Watterstoun, fiar of that Ilk), that Robert Lindsay of Balhall, Richard Watterstoun in Bannatach (Bannabrycht), Alexander and George Watterstonis, his sons, and Patrik Wode, "gudesone" to the said Robert, shall be harmless of him. Subscribed at Barres and Edinburgh, 17th and 19th January, before James Dempstair of Petthill, George Petir, George Sinclair and Johnne Gicht; (2) Caution to the same effect by James Watterstoun, fiar of that Ilk, for Thomas Watterstoun of that Ilk in £1000, and for Johnne Bruce in Windishoir, Williame Lundie there, George Murray, George Petir, James Wobstair, David Kenik in Hiltoun, Williame Robertsoun there, in 200 merks each. Subscribed at Watterstoun, 15th January, before James Dempstair, portioner of Pethill, Johnne Raa in Barres, Archibald Douglas there, Johnne Souttair there, and Johnne Lindsay of Markhous, notary.

Band for Thomas Waterston of that Ilk and others.

Caution for Beton, fiar of Melgund.

Edinburgh, 20th Jan.[1]

Caution to the same effect in £1000 by Johnne Kynneir, apparent of that Ilk, for James Betoun, fiar of Melgund.

[1] "Upon Thursday the 20th of Januar, Colonell Stuart was wairded in the Castell of Edinburgh, because the Queene used him as an instrument to disgrace the Chanceller and to sivver the King from him" (Calderwood, v. 144). In connection with this fact see *ante*, p. 706, footnote, and p. 712.

Holyrood-house, 21st Jan.

Sederunt—Rex; Dux Lennocie; Cancellarius; Huntlie, Montrois; Lindsay; Uchiltrie; Thesaurarius; Neubottle; Secretarius; Blantyre; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Collector Generalis. Acta 1591–94. Page 93.

To denounce James Geddes and George Geddes.

Complaint by Jeane Hammiltoun, Lady Lamingtoun, mother, Mathew Baillie, brother, and the other kin and friends, of the late Mr David Baillie, against Malcolme Fleming, James Fleming, called the Mouse, Williame Geddes, son natural of James Geddes of Babachla, James Geddes, called James of Lintoun, and George Geddes, chamberlain to the Lord Fleming, who, with their accomplices, "all bodin in feir of weir," had, upon last, attacked the said Mr David upon the high street of Edinburgh, "quhair he wes in peceable and quiet maner for the tyme," and cruelly slain him "with schoitis of pistolettis."—Charge having been given to the said James of Lintoun, and George Geddes, chamberlain, to appear and answer, and neither appearing, while the said Mathew, and Johnne, his brother, appear for the pursuers, the said James and George are to be denounced rebels.

To denounce Ker of Greenhead and others.

Complaint by David Roger in Reidpeth against Dandie Ker of Softlaw, man and tenant to Thomas Ker of Cavers, Johnne Brewhous of Yettem, man and tenant to James Ker of Greneheid, and Thomas Minto in Howden, man and tenant to Williame Hoppringle of Howden, with their accomplices, for having come, upon 5th September, "undir cloude and silence of nicht," to the said complainer's houses in Reidpeth, and stolen and taken away forty two sheep.—Charge had been given to the said tenants to appear, and also to their said landlords to enter them; and now, the pursuer appearing personally, the said landlords and tenants, for neglecting the charge, are to be denounced rebels.

To denounce John Manderstoun and others.

Johnne Manderstoun in Hairtsydhauch, for failing to appear, as charged, to answer "to sic thingis as suld have bene inquirit of him," is to be denounced rebel. James Manderstoun and Adam Manderstoun, indwellers in Cokburnespeth, are to be denounced rebels for the same reason.

Protest for Bruce of Cultmalindie.

James Winrahame, appearing as procurator for Laurence Bruce of Cultmalundie, and giving in a copy of the King's letters raised by Patrik, Master of Orknay, Lord of Zetland, charging the said Laurence to appear and produce a bill and deliverance of the Secret Council obtained by him against the said Master, touching his finding of caution for the indemnity of the said Laurence, under the pain of £4000, in order that the horning contained therein might be suspended, protests that, in respect of the non-appearance of the said Master, the said bill obtained against him shall be put to further execution in all points; which protestation the Lords admit, ordaining accordingly. Page 94.

Act anent prevention of passage at the ferries on the Forth by any of those guilty

The King and Council, understanding that "thair is divers personis gilty of the lait tressounable conspiracie attempted aganis his Hienes awne persone within his palice of Haliruidhous upoun the xxvii day of December last, besydis uthiris factious, suspitious and seditious personis,"

Acta 1591–94.

who at all times are transported in ships and boats from the coast of Fyffe, without respect to "the odiousnes of the cryme committit be thame," or to the late proclamation to the contrary, ordain letters to be directed charging the owners and steersmen of the said ships and boats dwelling within the towns of North Beruik, Leith, Kinghorne, Brint Iland, Kirkaldy, Dysert, North and South Ferries, and Airth, by open proclamation at the market crosses of the said towns, that none of them depart furth of the ports where they are now lying till they give up the names of the persons to be transported by them, as follows, viz.:—the owners and steersmen of boats and vessels at North Beruick, to Alexander Hume of Northberuickmanis, or to the bailies of the same; those lying at Leith to the provost, or one of the bailies, of Edinburgh or Leith; those lying at Kinghorne, to the bailies thereof; those lying at Kirkaldy, Dysert, North and South Ferries, to the bailies of the same; and those lying at the ferry of Airth, to Johnne, Earl of Mar,—or to such persons as the magistrates and others above written shall appoint: with certification that, if they fail, they shall be held as art and part with the said conspirators in their "tressonabill attemptat," and shall be "execute thairfoir to the deid with all rigour and extremitie." And, to this effect, the said magistrates, and the Earl of Mar and Alexander Hume, are ordered to apprehend all persons contravening this ordinance, and to commit and retain them till they be punished as aforesaid. The bailies of the burgh of Striviling are likewise ordered "to appoint watcheis at the brig of Striviling," and to apprehend all the conspirators described in the late proclamation, with all other suspicious persons who shall repair to the said bridge, committing them in like manner to ward, and notifying their names to his Majesty, under the said penalty.

of the late attempt at Holyrood-house.

Caution in 500 merks by Alexander Hammiltoun of Nethirfeild for Johnne Ronnald, younger of Strabrok, and Alexander Guidlett there, that they will not harm Johnne Stirling of Baldorane.

Edinburgh, 22nd Jan. Caution for John Ronald and Alexander Goodlet.

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Caution to the same effect in 500 merks by James Winrahame in Bonnytoun and James Stirling in Strabrok for Johnne Guidlett in Uphall.

Edinburgh, 24th Jan. Caution for John Goodlet.

The King and Council "remembering how, upoun the suddane resolution tane be his Hienes to depairt towardis Denmark in the moneth of October 1589, his Majestie had nocht sufficient tyme to putt sic ordour to the effearis of his estate nor to direct his officiaris sa fullie as he wald, bot wes constranit to giff sic summair directioun as tyme wald permitt, and, amangis uthiris, gaif commissioun and instructioun, alswele be worde and write at his depairtur, and commandiment be Williame Shaw, maister of werk, at his returning frome Denmark, to Maister Thomas Lyoun of Balduky, Maister of Glammis, thesaurair for the tyme, and Schir Robert Melvill of Murdocairny, knicht, then thesaurer-depute, in his Majesteis absens to compone and mak dispositioun of the small casualiteis belanging

Holyrood-house, 26th Jan. Act anent gifts disponed during the King's absence in Norway and Denmark on his marriage journey.

to thair office, alwayes within the value and sowme of ane thousand merkis, reserving the gretair to his Majesteis awne returning or speciall directioun; quhilk his Hienes commissioun, althocht the saidis Schir Thomas and Schir Robert wer nawayes willing to transgres, yit, be the craft and sinister informatioun of dissaitfull personis, hes divers tymes bene abused, and moved to compone and mak dispositioun of casualiteis of greitar importance and value then uthirwayes he wald, haveing knawne the treuth of his Majesteis intentioun how the samin sould have bene disponit in his absens;—in respect quhairof sic signaturis, quhidder thay be giftis, confirmationis or uthiris dispositionis quhatsumevir, swa purchest be circumventioun, dissait, and suppressing of the treuth, can nocht be nor ar nocht valiable in the law nor conscience, sa fer to his Majesteis hinder and prejudice":—therefore, the King, by advice of his Council, annuls all signatures, gifts as well of escheat as others, and dispositions, exceeding the value of 1000 merks, obtained during his Majesty's absence abroad, decerning the same to be null, "especialie sic as wer purchest be suppressing of the treuth of the value, or the names, stylis and designationis of thame quhais escheittis, wardis, or nonentressis wer gevin or disponit, or for uthir fraude or circumventioun intervenit." Nevertheless, "his Majestie being of mynd that nane of his subjectis quha salbe declairit be the said Sir Robert to have delt sinceirlie and treulie, without fraude or circumventioun, salbe prejugeit be thir presentis, giff the saidis signaturis, giftis and dispositionis be justlie and ordourlie obtenit," there is to be an order to the lieges by open proclamation at the head burgh of each shire, to exhibit before the King and Council the said signatures, gifts and dispositions obtained by them during the King's absence, exceeding in value the sum foresaid, by 20th April next, to the effect the same, if found "treulie and sinceirlie obtenit," may be renewed to the parties, without any new composition to the treasurer or any expenses to the keepers of the signet and seals. Acta 1591–94.

Caution for the owners of a certain ship.

Caution in £2000 by Alexander Persoun and Andro Hairt, burgesses of Edinburgh, for the masters, skipper and owners of the ship called the "Jonas of Dysert," that they shall not transport any of the persons guilty of the late treasonable conspiracy,—James Scott in Dysert, owner of the said ship, becoming cautioner in relief.

Edinburgh, 27th Jan. Band for James Hunter of Haitburn.

Registration, by Mr Johnne Moscrop, advocate, as procurator for the surety, of a band of caution in 500 merks by Williame Lauder of Quhitsled (Balbairdeis) for James Hunter of Haitburne, that he shall answer before the King and Council upon 15th February next to a complaint of George Hoppringle of Torwodlie, Richard Hereot, younger of Trabroun, and the father and other kin and friends of the late David Tailliour, touching the slaughter of the said David. Subscribed at Quhitsled, 25th January, before Thomas Lauder, Williame Lauder, and Williame Frank, notary. Page 96.

Edinburgh, 28th Jan.

Sederunt—Rex; Cancellarius; Montrois; Maxwell; Lindsay;

Acta 1591–94.

Uchiltrie; Thesaurarius; Clericus Justiciarie; Clericus Registri; Barnbarrauch; Carmichael; Magister Petrus Young.

Decree against Edmonston of that Ilk, as cautioner for Scott of Branxholm, on account of outrages by alleged tenants of Scott.

Charge having been given to Sir Johnne Edmestoun of that Ilk to appear before the King and Council to answer for the spuilyie committed upon James Tuedy of Drummelzeair and Adam Tuedie of Dreva by certain persons said to be tenants of Walter Scott of Branxholme, for whom the said Sir Johnne became cautioner (*ante*, p. 709), and the said Sir Johnne now appearing personally and alleging that the foresaid committers of the crime abovewritten were neither tenants nor servants to the said Walter, and the contrary being affirmed by the said James and Adam Tuedyis, ("quha wer alswa personalie present,") and referred by them to the oath of Walter Scott of Gouldielandis, "upoun quhome the saidis personis, and utheris, the freindis, tennentis and servandis of the said Walter Scott of Branxholme, now in his absens, cheiflie makis thair dependance," and the said Watt of Gouldielandis "being warnit to have compeirit personalie befoir his Hienes and the saidis Lordis at ane certane day bipast, and now of new warnit be his Majesteis awne directioun, sittand this day in Counsale, to have gevin his said aith heiranent, with certificatioun, and he failyeit, the samin sould be haldin as confessit, and he being oft tymes callit to this effect and not compeirand," the King and Council, after considering the allegations of the parties present, together with the said obligation, find that the said Sir Johnne, as cautioner foresaid, ought to make the foresaid offenders answerable to justice, and, as he has not entered them, ordain him to pay to the said James and Adam such sums of money as it shall be found before the judges competent "thai have bene skaithit in and sustenit be the said deid and violence abonewrittin."

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Order to denounce Patrick Crombie and others.

Patrik Crumbie of Carribdin, having failed to appear, as charged, to answer "to sic thingis as sould have bene inquirit of him," is to be denounced rebel. For the same reason Williame Stewart, sometime constable of the Castle of Dunbartane, James Steuart in Tynneis, David Steuart in Glen, and Thomas Steuart in Karingtoun, are to be denounced rebels.

Caution for Jonathan Henderson.

Caution in 3000 merks by Thomas Achiesoun, master cunyeor to the King, for Jonathan Hendirsoun, that, when required, upon 15 days' warning, he shall answer "to sic thingis as salbe layed to his charge."

Caution for Andrew Adamson.

Caution in 500 merks by Harie Stewart of Cragyhall for Andro Adamesoun in Culfathrik, that Arthour, Andro, Johnne and Williame Keris, sons of the late Thomas Ker in Culfathrik, shall be harmless of him.

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Caution for Leslie of Pitcaple and others.

Registration, by Mr James Foullis, advocate, as procurator for the surety, of a band of caution by James Elphingstoun of Glak for Duncane Leslie of Pitcaple and Mr Robert Leslie of Auldcraig, in 1000 merks each, and for Johnne Andirsoun in Tocher in 500 merks, that Patrik Leith of Hairthill, and Johnne Leith, his son and apparent heir, shall be harmless of them,

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conform to the letters of lawsurety obtained against them. Subscribed at Glak, 20th January, before Alexander Blak in Ressonnett, Mr Walter Abircrumby, minister at Rayne, and George Elphinstoun in Kindee.

Edinburgh, 31st Jan. Caution for Lindsay of Balhall.

Caution in 5000 merks by Andro Maull, portioner of Skryne, for Robert Lindsay of Balhall, that he will not harm Johnne Hammiltoun, fiar of Pardowie. Acta 1591-94. Page 101.

Caution for Mure of Rowallan.

Caution by Williame Mure of Ruallane, as principal, and Alexander Ahanna of Sorbie, as surety for him, in 5000 merks, that David Boyll, Johnne Tod, Cuthbert Tempiltoun, Johnne Andro, Thomas Tod, Andro Wernoch, Archibald Craig, Agnes Pitken, and James Ros, tenants of the lands of Maulisland and Pournscane, shall be harmless of him. Page 97.

Caution for Alexander Goodlet.

Caution by Alexander Hammiltoun of Nethirfeild for Alexander Guidlett in Eister Strabrok, and Alexander Guidlett, his son, that Johnne Ewing in Eister Strabrok shall be harmless of them, under the pains contained in the King's letters to this effect.

Edinburgh, 1st Feb. Caution for William Calder.

Caution in 300 merks by Robert Lindsay of Balhall for Williame Calder in Bambreich, that he will not harm James Dik in Bankheid,—Johnne M°Kgill, servant to Mr David M°Gill of Cranstounriddell, becoming cautioner in relief.

Edinburgh, 2nd Feb.

Sederunt—Rex; Cancellarius; Mortoun; Maxwell; Lindsay; Uchiltrie; Thesaurarius; Secretarius; Neubottle; Clericus Registri; Carmichaell; Magister Petrus Young.

To denounce William and Robert Learmonth.

Williame Leirmonth of the Hill and Robert Leirmonth in Kelso, having failed to appear to answer touching the late "tressounable conspiracie" at Haliruidhous upon 27th December last, are to be denounced rebels. Page 98.

Bonar of Rossie against the Countess of Gowrie.

Supplication by Williame Bonair of Rossie, immediate heritable tenant to Johnne, now Earl of Goury and baron of the barony of Ruthven, of the lands of Pitcairnis, in the shire of Perth, and of Alexander Bonair of Balgirsho, feuar of the said lands of Pitcairnis by disposition of the said Williame Bonair, as follows:—The said Williame had long ago obtained, before the Lords of Session, against the tenants of the said lands, a decree of removal; which, with the letters of four forms passed thereupon, having been suspended at the instance of Dame Dorathie Stewart, Countess Goury, the said decree and letters "ar fundin ordourlie procedit" by a deliverance of the said Lords given against the said Lady. "For obedience of the quhilk decrete of removing," George Hering of Wester Glasclune became surety for the tenants of the said lands "that thay sould flitt and remove thairfra; aganis quhome for contraventioun of the said act of caution the said Williame Bonair of Rossie hes obtenit ane uther decrete of the saidis Lordis of Sessioun; lyke as the saidis Williame Bonair of Rossie and Alexander Bonair of Balgirsho hes obtenit ane uther decrete befoir the saidis Lordis for the soume of fyve hundreth xxv lib. for contraventioun of ane act of lauborrous. And, albeit that the saidis Williame and Alexander Bonaris hes usit all diligence possible be the space of three yeiris last bipast for putting of the saidis decreitis, being foure in nowmer, to executioun, and hes rased letters thairupoun of hoirning and poinding,

Acta 1591–94. and hes [not only] putt the saidis Dame Dorathie Stewart and George Hering to the horne, bot alswa, for thair contempt and dissobediens thairof, hes rased uthiris letters past be the Lordis of Prevey Counsale," charging them to render their castles and to enter in ward within the Castle of Dunbartane, under the pain of treason,—"quhilkis letters being deulie execute upoun thame, thay have contempnandlie dissobeyit the samin,"—yet, "nochtwithstanding of the quhilk foure several decreitis gevin and pronunceit be the saidis Lordis of Sessioun, being the supreame jugeis in civile caussis within this realme, and of the executioun past and usit thairupon, the saidis Williame and Alexander Bonaris ar alluterlie frustrat of the haill commoditie of the foirsaidis decreitis, and na obediens gevin thairto in all nor in parte, nather be obtening of possessioun of the saidis landis, nather obtening of payment of the foirsaidis particulair soumes of money contenit in the saidis decreitis, extending to nyne hundreth merkis or thairby, *salvo justo calculo*. The lyke of quhilk contempt and dissobediens of his Majesteis lawis and decreitis foirsaidis hes nevir occurrit within this realme, specialie within the boundis of Loutheane, lyand maist ewest to the College of Justice; be the quhilk contempt not onlie will the gude-affected subjectis be movit to desist fra all craving and persewing of justice be ordour of law, bot alswa the evill-affectionat subjectis and dissobedientis will tak occasioun thairby to vilipend and contempne all decreitis and obediens of his Hienes lawis, and oppone thame directlie thairto," if the said Countess and George Hering, who during the time of the obtaining of the foresaid four several decrees dwelt, and still reside, within the palace of Haliruidhous, shall remain unpunished. The petitioners therefore humbly crave that command be given to a macer of Council to charge the King's master of household, and the provost and bailies of Edinburgh or of the Cannogait, to apprehend the said Countess, "presentlie being within" the said palace, and to commit her to ward within the Castle of Edinburgh, as soon as convenient, there to remain till she satisfy the said decrees and obtain herself relaxed from the said process of horn, under pain of rebellion.—The said Lady appearing by Mr Alexander Kinros, her procurator, and the said Alexander Bonair appearing personally, the King and Council grant the desire of the supplication.

Page 99. Caution by Johnne Hume of Slegden for Thomas Cathie in Duringtoun and Raulff Cathie there, in 200 merks each, that Williame Cokburne of Chouslie, Marione Douglas, his mother, relict of James Cokburne of Chouslie, James Cokburne, brother of the said Williame, George Wode, David Lauder, and James Trotter, tenants of the lands of Raburne, shall be harmless of them. Caution for Thomas and Ralff Cathie.

Caution in £100 by James, Commendator of Incheffray, for Gilbert Irwing in Saba, that he will not harm Williame Irwing of Forswall,—Williame Elphingstoun, servitor to the King, becoming cautioner in relief. Caution for Gilbert Irving.

Caution in 1000 merks by Johnne Campbell of Shankstoun for David Dunbar of Daldork, that he will not harm Daniel Cunynghame of Dalkeyth. Caution for Dunbar of Daldork.

Caution for Jonet Douglas and her spouse.

Registration, by Johnne Haliday, advocate, as procurator for the surety, of a band of caution in 1000 merks by Edward Maxwell of Tinwall for Jonnett Douglas, daughter of the late George Douglas in Almernes, and Edward Maxwell, her spouse, that they will not harm Johnne M°Clellane in Almernes. Subscribed at Drumfreis, 30th January, before Homer Maxwell of Carnsallauch, Johnne Maxwell, tutor of Aikinheid, James Rig, notary public, and Johnne Rig, writer. Acta 1591-94.

Edinburgh, 4th Feb.

Sederunt—REX; Dux Lennocie; Cancellarius; Huntlie; Mortoun; Maxwell; Lindsay; Uchiltrie; Thesaurarius; Secretarius; Clericus Registri; Magister Petrus Young.

To denounce Douglas of Spott, Douglas of Pathhead, and John Main.

James Douglas of Spott and Johnne Douglas in Pethheid, having failed to appear, as charged, to answer touching the "lait tressonable conspiracie" at Haliruidhouse upon 27th December last, are to be denounced rebels. Johnne Mayne, "caitchepuiller" in Edinburgh, is to be denounced rebel for the same reason.

Caution for Alexander Trotter and others.

Caution by Williame Cokburne of Chouslie for Alexander Trotter in Chesteris, Williame Trotter in Duns, George Broun in Chousliewode-end, and James Cokburne, brother of the said Williame, that Mr Williame Methven, minister at Langtoun, his tenants and servants, shall be harmless of them, conform to the letters raised to that effect.

Edinburgh, 5th Feb.

Caution for Andrew and John Park.

Caution by Robert Steuart of Soubar and Johnne Pollok of Weltoun for Andro Park in Cauldcoittis, and Johnne Park, his son, in 300 merks each, that Johnne Pollok in Grene, Johnne Pollok in Arthourlie, James Pollok, and Johnne Pollok, younger, his three sons, Thomas Pollok in Grenesyde, Johnne Pollok, David Pollok in Lie, Robert Pollok, cooper in Glasgu, Robert Pollok in Polloktoun, and Robert Turnbull, maltman, shall be harmless of them. Page 100.

Caution for John Pollock in Welton, and others.

Caution, to the same effect, by James Dunlop, apparent of that Ilk, for Johnne Pollok in Weltoun, David Pollok, his son, and Matheu Young in Bennett, in 500 merks each, and for James Gilmour, servant to the said Johnne Pollok, and David Shyre in Glasgu, in 300 merks each.

Edinburgh, 7th Feb.

Caution for George Wood and others.

Caution by Williame Cokburne of Chouslie for George Wode in Raburne, James Trotter there, Johnne Japhra there, Williame Houlatstoun there, David Lauder there, James Trotter and Williame Galichtlie in Raburne, that Thomas Cathie and Raulff Cathie in Duringtoun, shall be harmless of them, under the pains contained in the letters raised to that effect.

Caution for George Annand and others.

Registration, by Mr Johnn Dempstair, advocate, as procurator for the surety, of a band of caution by Thomas Lyell of Murthill for George Annand in Chappeltoun, Alexander Simsoun in Justemhauch, and James Lyoun, in 500 merks each, that they will not harm Johnne Ogilvy of Inchewne. Subscribed at Murthill, 5th February, before Williame Broun, Richard Chopman, citizen of Brechin, Johnne Hoig, Pigott, notary.

Acta 1591–94.

His Majesty, with advice of his Council, "for certane caussis and considerationis moving thame," annuls and discharges all commissions of lieutenancy and justiciary granted at any time to George, Earl of Huntlie, or his deputes, and ordains proclamation accordingly at the market crosses of the head burghs of this realm, commanding the lieges for the future not to "ryis, concur or tak parte with him in the executioun of ony commissionis of lieutenandrie or justiciarie." [1]

Edinburgh, 8th Feb. Discharge of all commissions of lieutenancy hitherto held by the Earl of Huntly.

Caution by George Mudie, merchant, burgess of Dundee, for James Forrester, provost, Williame Duncane, Alexander Ramsay, James Car-

Caution for the provost and bailies of Dundee.

[1] This order is the immediate consequence of a very tragical occurrence of the preceding day, February 7, 1591–92, which made a great stir at the time, and is commemorated in the old Scottish ballad called *The Bonny Earl of Murray*:—James Stewart, eldest son and heir of James Stewart, Lord Doune, had become Earl of Moray in 1582 by his marriage with Elizabeth, Countess of Moray, the eldest daughter and heiress of the great Regent Moray. Reputed the handsomest of the young Scottish nobles, "of great parts, magnanimity and courage," he had been brought by the duties and exigencies of his northern earldom into violent feud and rivalry with the other great northern potentate, the Earl of Huntly, and had been leading and protecting that combination of the Grants, Dunbars, Mackintoshes, &c., against the Gordons, which had recently kept the north-eastern counties in turmoil. See *ante*, pp. 570, 597. Bound over to keep the peace, he had been living of late chiefly in the south of Scotland, in retirement from Court, and had, it was reported, been in communication with Bothwell, or at least in sympathy with Bothwell in his schemes of revolution. On this ground it had been resolved by the King and the Chancellor to call him to account; and Huntly, who had for some time been at Court and in attendance at Council, had received a commission for his capture. Moray, who seems to have been led to believe that nothing more was intended than a negotiation with him with a view to his return to Court and a reconciliation of all differences, had taken up temporary quarters in his family seat of Donibristle, near Aberdour, on the part of the Fifeshire coast immediately opposite to Edinburgh. There, on the night of the 7th, when the only persons with him were Dunbar, Sheriff of Moray, and a few servants, the house was beset by Huntly, who, with some scores of his retainers, had taken leave of the King at Holyrood some hours before, as if to go to a horse-race at Leith, but had suddenly turned west, and crossed the Firth at Queensferry. Surrender of the house having been refused, they brought straw and set it on fire; in attempting to burst out, Dunbar and some of the servants were killed; Moray himself, breaking through the flame and smoke, escaped in the darkness to the rocks on the sea-shore, close to the house, but was betrayed among them by the burning tassels of his head-tippet, pursued, and stabbed or struck to death. The tradition is that the death-blow was struck by Gordon of Buckie, but that Huntly added a gash across his enemy's face, and was told by the dying man, "You have spoilt a better face than your own."—When the news reached Edinburgh next morning, there was the utmost horror and indignation. The slain Earl was popular on his own account and as the son-in-law of the great Protestant regent; Huntly, who had done the deed, was the unpopular head of the Roman Catholic party in Scotland: would the King's liking for Huntly protect him still from justice after such an addition to his former offences? With this question, however, there mingled the more secret question how far the King himself, and Chancellor Thirlstane with him, were implicated indirectly in Huntly's act. The demeanour of James at the moment was by no means satisfactory. He had been hunting all the morning about Wardie and Inverleith, in sight of the still burning house of Donibristle on the other side of the Forth; and, though the present Act of Council was passed that day, depriving Huntly of all his commissions, and the King had an interview later in the day with some of the Edinburgh clergy, "wherein he did what he could to cleere himself and desired them to cleere his part before the people," his reception of their opinion that it was his immediate duty to pursue Huntly with fire and sword was far from cordial. He "alledged his part to be like David's when Abner was slain by Joab" (Calderwood, v. 145). In fact, the cry of revenge for the death of the "Bonny Earl of Murray" was to mingle for a long while henceforward with the other watchwords of popular Scottish politics.

michaell, and Patrik Lyoun, bailies there, that one-half of the victual and goods which they have intromitted with furth of the ship called the "Lyoun of Dundee" shall be furthcoming to the King's use as they shall be required, in consideration of the suspension till 25th February instant of "the letters execute aganis thame at the instance of Williame Rollok, sercheour in Dundee." Acta 1591–94.

Edinburgh, 9th Feb.[1]

Sederunt—REX; Dux Lennocie; Hammiltoun; Cancellarius; Mar; Mortoun; Maxwell; Lindsay; Uchiltrie; Thesaurarius; Secretarius; Clericus Justiciarie; Clericus Registri; Carmichael; Magister Petrus Young. Page 101.

Order to denounce Maxwell of Cowhill.

As "ane of the cheiff caussis quhairwith oure realme is presentlie grevit and perturbit is the multitude of deidlie feidis standing within the same unreconsiliat, quhairthrow all pairteis haveand interes thairin spairis not to tak thair privat revenge and advantage of uthiris, disdaneing to seik remeid be the ordinair forme of law and justice," Archibald Maxwell of Cowhill, having failed to appear to answer "concerning sic deidlie feidis as he hes interes thairin," is to be denounced rebel.

Caution for David Abercromby.

Caution in 1000 merks by James Skryngeour of Dudop, constable of Dundee, for David Abircrumbie of Pittelpie, that he shall bring before his Majesty by 1st August next the "twa peceis of brasin ordinance" for which he had been pursued by the King's advocate and Johnne Lindsay, donator thereto, and afterwards warded in the tolbooth of Edinburgh, where he now lies, to the effect that, if it shall be found that they belonged to his Highness, they may be delivered again to him or to his donator.

Caution for James Stirling.

Caution by James Stirling in Strabrok, as principal, and Mr Johnne Winrahame of Craigtoun, as surety for him, that he will not harm Johnne Rannald, younger in Strabrok, under the pains contained in the letters raised to that effect.

Caution for Simon Jaffray.

Caution by Archibald M^cBrair, burgess of Drumfreis, for Symon Jaffray there, that he shall be answerable at the instance of the sheriff of Drumfreis, and that the "pack of claith allegeit arreisted and intromettit with be the said shereffis directioun shall be forthcoming to the said sheriff and others having interest.

Caution for James Dalzell and John Stirling.

Caution by James Nesbitt, burgess of Edinburgh, for James Dalzell, burgess there, in 500 merks, and by the latter for Johnne Stirling of Baldorane in 1000 merks, that they will not harm Johnne Rannald, younger, in Strabrok.

[1] This day the dead bodies of the Earl of Moray and his fellow-victim Dunbar, Sheriff of Moray, were brought over from Donibristle, by Lady Doune, the Earl's mother, to Leith, with a view to their burial ultimately in Regent Moray's aisle in St Giles's Church, Edinburgh, but to lie first for some time as a spectacle for the people. In fact, they lay long unburied, to aid in the demand for revenge, prosecuted by none so vigorously as by the Earl's mother. To the same end she had her son's picture painted and presented to the King.

Acta 1591–94. Caution in 500 merks by Sir Robert Ker, apparent of Cesfurde, for Andro Ker of Newhall, that he shall answer before the Council upon 3rd March next to a complaint of the tenants of Langnewtoun. Edinburgh, 11th Feb. Caution for Ker of Newhall.

Caution in £100 by Alexander Hunter and Thomas Wricht, merchants of Edinburgh, for Adam Huntair, tailor, burgess there, that he will not harm Cristeane Dundas, his spouse,—John Andro subscribing for Thomas Wrycht. Caution for Adam Hunter.

Page 102. Caution by Johnne Steuart at the Kirk of Mernis, as principal, and Robert Steuart of Soubar, as surety for him, in £500, that they will not harm Dame Jeane Hammiltoun, Countess of Eglintoun. Caution for John Stewart.

Caution by Alexander Bonair of Balgirsho and Johnne Seytoun of Pittedie for Alexander Setoun in Stramiglo in 300 merks, and by the said Alexander Seytoun and Alexander Seytoun of Balgirsho for the said Johnne Seytoun in 300 merks, that Johnne Barclay, "wobster," in Drumgye, and Alexander Patoun there, shall be harmless of them. Edinburgh, 15th Feb. Caution for John and Alexander Seton.

Caution in 3000 merks by Sir James Edmonstoun of Duntreith and Johnne Lindsay of Ballnill for Johnne Striviling of Glorat, that he shall not reset or intercommune with the King's declared traitors or rebels, and shall underlie the laws upon six day's warning,—David Moysie, notary, subscribing for Lindsay. Dumbarton, 17th Feb. Caution for Stirling of Glorat.

Caution in £10,000 by James Edmestoun of Duntreith and Mathew Steuart of Barscube for Johnne Steuart, sheriff of Bute, that he shall enter in ward within six days hereof in the Castle of Blaknes and remain there till freed. Caution for the Sheriff of Bute.

Caution in 500 merks by Williame Shaw of Lathangie for Johnne Broun in Ovir Cragow, that he will not harm Henrie Robertsoun in Ovir Cragow. Edinburgh, 17th Feb. Caution for John Brown, and for Thomas Young and his son.

Caution by Robert Shaw, stabler, burgess of Edinburgh, for Thomas Young in Ovir Cragow, and Johnne Young, his son, in 500 merks each, that they will not harm Henrie Robertsoun in Ovir Cragow,—the said Thomas Young, Williame Shaw of Lathangie, and Thomas Hoig, burgess of the Cannogait, becoming cautioners in relief.

Caution to the same effect in 500 merks by Williame Shaw of Lathangie, as principal, and George Monro of Tarrell, son and apparent heir of Andro Monro of Newmoir, as surety for him. Caution for Shaw of Lathangie.

Registration, by Mr Thomas Craig, advocate, as procurator for the sureties, Edinburgh, 19th Feb.[1]

[1] This day, Saturday, Feb. 19, 1591–92, Scotland lost a somewhat important personage in her ecclesiastical history by the death of Patrick Adamson, Archbishop of St Andrews. For the story of the close of the life of this celebrated and much-troubled representative of Episcopacy in Scotland, thrown aside at last by the Court and reduced to the utmost poverty, so that he had to depend, for the support of himself and his family, on the charity of Andrew Melville and others of his Presbyterian opponents, and for the recantations of his former opinions and actions offered by him or wrung from him in his dying distress, see *Autobiography of James Melville*, pp. 290–293, *Calderwood*, v. 119–127, and M'Crie's *Life of Andrew Melville*, i. 312–316, with suggestions on the other side in *Spotswood*, p. 385.

Caution for Hugh Munro of Assynt.

of a band of caution by Mr Hector Monro of Foullis, Hector Monro of Kildermorie, and Nicolas Ros of Pitcalny, for Hucheoun Monro of Assin in £1000, and for Hector and Williame Monrois, his sons, in 500 merks each, that Andro Monro of Newmoir, his tenants, servants, "undir-mairis" and officers, shall be harmless of them in their bodies and goods, "and on nawayes to be molestit nor troublit thairin, nor in ony wayes in the executioun of the said Androis undir officiaris in uptaking of his custumes of his mairship be the saidis personis," conform to the letters of law-burrows raised against them by the said Andro. Subscribed at Assin and , 1st and of February, before Johnne Monro, son of the late Robert Monro, elder of Foullis, Hucheoun Monro, apparent of Urquhart, Johnne Monro, son of Hector Monro of Kildermorie, and Adam Dunbar, notary public, who subscribes for Hector Monro of Kildermorie, one of the cautioners, "becaus myselff can not wryte." Acta 1591-94. Page 103.

Caution for Moutray of Lochhills and others.

Caution by Williame Meldrum of Badinscott for Robert Multray of Lochhillis in 500 merks, and for Alexander and Henrie Multrayis, his brothers, in 300 merks each, that they will not harm Thomas Sym at the mill of Cubisgowill.

Edinburgh, 22nd Feb. Caution for Mure of Caldwell.

Caution in 1000 merks by David Prestoun of Craigmiller for Robert Mure of Cauldwell, that he will not harm Elizabeth Scott, Lady Glengarnok, younger.

Glasgow, 22nd Feb. Caution for Smollett of Kirkton.

Caution in 5000 merks by Robert Semple, younger of Foulwode, Allane M^{c}Caula of Ardincaple, and Donald Cunynghame of Aikinbar, for Johnne Smollett of Kirktoun, that he shall not reset or intercommune with the King's declared traitors or rebels, and that he shall appear and underlie the laws when required, upon a peremptory, or upon six days' warning.

Edinburgh, 23rd Feb. Caution for Alexander M^{c}Gie and others.

Caution by Williame M^{c}Clellane of Croftis for Alexander M^{c}Ghie of Balmagie in £1000, and for James Charterhous, son of Robert Charterhous of Kelwode, and George Slowane in the Manis of Levingstoun, in £500 each, that they will not harm Robert Levingstoun in Cultanespie. Page 104.

Edinburgh, 24th Feb. Caution for Hamilton of Drumry.

Caution by Johnne Hammiltoun of Drumry, as principal, and Johnne Hammiltoun of Camskeith (Cambuskeith), as surety for him, in £1000, that Petir Cochrane of Pitfour, David Cochrane, his son and apparent heir, George Watterstoun, Williame Grahame, Thomas Simsoun, and Williame Duncane, shall be harmless of him.

Edinburgh, 25th Feb. Caution for David Smith.

Caution by Harbart Maxwell of Cavens for David Smith, burgess of Drumfreis, that Johnne Annand, Matheu M^{c}Cree, Williame Lawsoun, James Coultart, and Williame Edzair, indwellers in Drumfreis, shall be harmless of him, under the pains contained in the letters raised to that effect.

Caution for Patrick Fortune.

Caution in 500 merks by Mungo Fortoun, burgess of Edinburgh, for Patrik Fortoun in Dyishauch, that he will not harm Thomas Cathie in Duringtoun or Raulff Cathie there.

Acta 1591–94. Andro Gray of Dunnynald, and Andro Gray, his son and apparent heir, having failed to appear, as charged, to answer to "sic thingis as sould have bene inquirit of thame," are to be denounced rebels. Glasgow, 25th Feb.[1] To denounce Gray of Duninald.

Page 105. Complaint by Helene Hammiltoun, relict of Johnne Mure of Cauldwell, and George Hammiltoun of Prestoun, her father, for his interest, as follows:—Although, upon 6th September last, Robert Mure of Cauldwell, as principal, and Neill Montgomerie of Langshaw, James Mowatt of Busbie, Hew Ralstoun of that Ilk, Gawin Ralstoun, his son, fiar thereof, Gabriel Logane, younger of the Rais, Hew Montgomerie of Braidstane, James Mure of Thorntoun, Johnne Montgomerie of Scottistoun and Robert Semple of Craigbait, as sureties for the said Robert, became bound that he should enter himself heir to his father or goodsire, "and obtene the richt and possessioun of the lands of Knokmaidis and Dunnyflattis, Nethirtoun and Polock and fyft parte, ather be his Majestie or a precept of clare constat," and should thereafter infeft the said Helene in the said lands in liferent, and fulfil all other articles contained in the contract of marriage passed between the said Robert Mure of Cauldwell, taking the burden upon him for the said late Johnne Mure, on the one part, and the said George Hammiltoun, acting for his said daughter, on the other part, between the date of the said act and 4th November last, yet the said principal and his cautioners "hes nocht, nor yit intendis to fulfill the heidis and conditionis contenit in the said Act."—Charge had been given to the said principal and his cautioners foresaid (except Gabriel Logane) to appear and answer to this complaint; and now, the complainers appearing by Captain Williame Hammiltoun, their procurator, and the defenders by Patrik Mosman, their procurator, the Lords ordain the said principal and sureties to fulfil the said act of caution and all other conditions specified in the said contract of marriage within 20 days after being charged, under pain of rebellion (*cf. infra*, p. 777). Hamilton of Preston against Mure of Cauldwell.

Page 104. Registration, by Mr James Foullis, advocate, as procurator for the sureties, of a band of caution in £500 by Johnne Leslie of Abirsnethak and Edinburgh, 28th Feb.[2] Caution for Patrick Leslie and spouse.

[1] Nominally in pursuit of Bothwell, but partly also to be out of the clamour in Edinburgh on account of the slaughter of the Earl of Moray, the King and Court had removed to Linlithgow, thence to Glasgow and other parts of the west, whence again they were to come back to Linlithgow, before returning to Edinburgh. Although Captain Gordon, brother of the Laird of Gicht, had been beheaded in Edinburgh on the 12th of February, and a humbler retainer of the Earl of Huntly hanged, for their share in the affair of Donibristle, the Earl of Huntly himself was still at large, and there had been a letter from the King to him, telling him of the clamour and tumult in Edinburgh, and advising him to look after himself (see the letter in Calderwood, v. 146, 147).

[2] This day the King and Court were back in Linlithgow from their visit to Glasgow and the west. The next day, Tuesday, Feb. 29, Richard Grahame, the arch-sorcerer of the day, who had been mixed up with the witch-craft practices of Barbara Napier, Euphame M'Calyean, and others, for a year or two past, was strangled and burnt at the Cross of Edinburgh. He adhered to the last to the declarations he had already made that Bothwell had held magical consultations as to the King's death; he averred that Ex-Chancellor Arran also dealt in enchantments; and he confessed to several raisings of the devil,—in particular, once "in the Laird of Auchinfleck's dwelling-place" (see *ante*, p. 591), and once in the yard of the house in the Canongate belonging to Sir Lewis

Williame Leslie of Crechie for Patrik Leslie, now in Kincairdin, and Jonnett Huntair, his spouse, that they will not harm Margaret Huntar in Kincairdin Oneill, conform to the charge given upon January last by Adam Gordoun, messenger, by virtue of the King's letters granted by deliverance of the Lords of Secret Council at Edinburgh upon 12th August last. Subscribed at Abirdene, 15th February, before George Leslie in the Law, James Ruthirfurde, and Williame Dingwell, all servants to the Laird of Balquhane, and Alexander Straquhy, burgess of Abirdene. Acta 1591–94.

Edinburgh, 1st March. Caution for inhabitants of Arbroath.

Caution in 1000 merks by David Gairdin, fiar of Leyis, for the provost, bailies, council and inhabitants of Arbroith, that Mr Alexander Betoun of Hospitalfeild, and David Betoun, his son, fiar thereof, shall be harmless of them,—Andro Eliot, burgess of Arbroth, and Andro Eliot, his son, becoming cautioners in relief. Page 105.

Edinburgh, 5th March. Caution for William and Thomas Ronald.

Caution by Williame Rannald in Popiltreis, and James Wallace, notary, burgess of Striviling, as surety for him, in 300 merks, and by the said principal and surety for Thomas Rannald in Popiltreis in 300 merks, that they will not harm Jonnett Blaikwode, relict of Duncane Rannald in Popiltreis. Page 106.

Linlithgow, 8th March. Act anent means to be used for reducing and refining the base and alloyed money: Contract for the purpose authorised between Thomas Foulis of Edinburgh, and Sir William Bowes of London.

Sederunt—REX; Cancellarius; Hammiltoun; Craufurde; Maxwell; Spynie; Thesaurarius; Clericus Justiciarie; Collector; Culluthy; Carmichael.

Although, by an Act of the Convention of Estates passed in August last (*antè*, p. 666), "the haill base and allay money current within this realme, undir the fynnes of sevin deneiris, the tua penny plackis and penneyis onlie except, wer appointit to be reduceit and strikin in ane silver space of money of the fynnes of ten deneiris and ane halff," it has been found that "the samin is nocht able to be performeit for his Majesteis proffeit and commounwele of this realme" in the manner appointed by the said Act of Convention, "bot, be the contrair, grite losse salbe sustenit be his Hienes subjectis, and his Majestie reporte na kynd of commoditie, without sum strangearis of best knaulege and experience be socht oute and employit for making of the said reductioun." Wherefore, the King, with advice of his Council, grants commission to Thomas Foullis, burgess of Edinburgh, his Majesty's goldsmith and sinker of the irons

Bellenden, the late Justice-Clerk. There is an independent tradition, through Scot of Scotstarvet in his *Staggering State*, that Sir Lewis was so frightened by this devil-raising on his own premises that "he took sickness and thereof died."—See, in Calderwood (v. 150–156), a very clever letter of Bothwell, addressed to the clergy of Edinburgh before the execution of the wizard Grahame, in which he disowns indignantly the charge of conspiring the death of the King, wonders how sensible men could trust to anything whatever said by such a fellow as "deboshed Richie Grahame," and traces the persecution of himself, and the miserable condition of the nation generally, to that "puddock-stoole of a night," Chancellor Thirlstane

Acta 1591-94. of the cunyiehouse, to repair to Lundone, and there to "indent and accord" with Sir Williame Bowis for making the said reduction in form following: —viz., that the said Thomas shall provide by a certain day, at his own expenses, "ane strang and large house, standing in sic a parte as salbe thocht maist meit be the said Schir Williames deputie, quhairin the said reductioun maybe perfytit," and within a year thereafter shall deliver to the said Sir Williame, or his said deputy, 2400 st. weight of the said base money, as follows: viz., 100 stone weight thereof, counting every stone at 16 lbs. and every pound at 16 oz. of Paris weight, "immediatlie eftir the werkmen salbe reddie to entir to werk, the fyne silver quhairof as it salbe redeliverit be thame to the said Thomas, sa sall he deliver to thame agane immediatlie thaireftir ane uther hundreth stane wecht of the said base money to be lykwayes reduceit to the said fynnes; and swa ather of the saidis pairteis salbe subject to ressave and delyver monethlie during the said space of ane yeir, ane, twa or three hundreth stane wecht of the same money, ay and quhill the haill noumer" of 2400 stone weight be reduced, "alwayes in sic maner and forme as thair sall not be deliverit abone three hundreth stane wecht in the moneth at the maist, nor undir ane hundreth stane monethlie at the leist." For reducing and refining of every 12 oz. of the said money, the said Thomas shall pay 8d stg. or 6s scots to the said Sir William's deputy monthly, or otherwise, one half monthly to the same deputy and the other half to the said Sir Williame himself or his assigns in Lundone; "the first monethis payment to be maid at Lundone within three monethis eftir thair entree to werk, and swa furth for ilk moneth thaireftir during the said space. And, in cais the foirsaid quantitie of money be not deliverit monethlie in maner abonewrittin to the said Sir Williame or his saidis deputie and servitouris to the effect foresaid, quhairthrow in his default thai sall ly idill, in that cais the said Thomas sall content and pay to thame ten shillingis stirling for the space of ane moneth thaireftir, eftir the quhilk moneth the indent and contract foirsaid salbe repute and haldin as brokin on his parte, and thaireftir it salbe lesum to the said Schir Williames deputie and servitouris to returne hame agane with thair guidis and geir, without ony impediment. Lyke as the said Thomas sall content and pay to thame for every hundreth stane wecht of the said base money that sall not be deliverit to thame to be refynnit befoir the expyring of the said space of ane yeir, in maner abonerehersit, the soume of threttie pundis stirling as pane aggreit upoun for not fulfilling of the said indent for his parte. Forder, the said Thomas, immediatlie eftir the making of the same indent, sall advance afoirhand to the said Schir Williame at Lundone twa hundreth pundis stirling, quhilk salbe allowit to him in the payment of that quhilk salbe dew and appointit to be payit to him at Lundone in maner foirsaid. And, giff ony forder occasioun salbe offerrit to refyne ony uther money, or the superplus of the said base money, that it salbe grantit to the said Schir Williame befoir ony uthiris upoun the formair conditionis. Attour, the said Schir Williame, for the bettir furtherance of this werk and all thingis promeist for

his parte, sall furneis werkmen, instrumentis and all uther materiallis neidfull, befoir the day of nixt to cum, and forder sall rander all sic silver as salbe found, be just tryale to be maid befoir in the small assay, to arryis in the said base money, in the fynnes of ellevin deneiris and ane halff or abone, and the said assay to be maid in this maner,—viz., the said Schir Williames deputie to mak chois in every hundreth stane foirsaid of quhat peceis of the base money he pleis delyver to the assayair of his Majesteis cunyie, quhilk assay salbe maid baith be the same his Hienes assayair and be the assayair to be appointit be the said Schir Williame, quha sall aggrie upoun the just fynnes thairof, off quhilk ane not salbe maid be baith the saidis assayaris in thair buikis subscryvit be thame, quha salbe sufficientlie authorised to bind baith the principall pairteis to giff compt of thair intromissioun and debursingis. And, in cais, in the said Schir Williames default, the said money be nocht ressavit, refynnit and deliverit monethlie to the said Thomas in maner abonewrittin, in that cais the said Schir Williame sall pay for every day that the money sall ly in his deputeis handis to the said Thomas ten shillingis stirling money, or foure pundis ten shillingis Scottis money, as pane aggreit upoun, ay and quhill the haill yeir foirsaid be expyrit; lyke as the said Schir Williame sall pay to the said Thomas for everie hundreth stane wecht of the said basse money that in thair default is nocht ressavit fra the said Thomas or his deputis, and sufficientlie fynnit as said is befoir the space of ane moneth eftir the yeir be expyrit, threttie pundis stirling, or the avale thairof in scottis money. And, to the effect the said Schir Williame and his saidis deputis and servitouris may the mair frelie repair within this realme to the effect foirsaid," his Majesty, with advice of his Council, grants them free liberty and passport to repair and remain in this realm, with their families, goods and materials, and to return "eftir the completing of the said werk at thair plesure," and to this effect takes them under his special protection and safeguard, with power, in like manner, to the said Thomas to do everything requisite to be done for accomplishing this work. "And, seing the said Thomas be the said indent mon deburs and advance certane soumes of money for the bettir perfyteing of the said werk, and that ressoun and equitie cravis that he and his cautionaris, giff ony salbe fundin be him, be relevit thairof, cheiflie becaus the same is done be his Majesteis expres directioun and command, and for his Hienes honnour, proffite and commoditie of all esteatis of personis within this realme, quha uthirwayes wald be greitlie interest giff the said reductioun tuke nocht effect be the said Thomas diligence, moyane and travellis, thairfoir his Majestie, for his and his saidis cautionaris releiff, promittis and declairis that he sall ressave, uplift and retene in his awne handis, and to his awin use, quhatsumevir proffeit and commoditie sall redound and arryse be the reductioun of the said basse money, or uthirwayes be the industrie of the saidis strangearis, ay and quhill he be payit and relevit of the premissis, and of all coistis, skaithis, damage, expenssis and interesse to be sustenit be him. Lyke as his Majestie promittis, be thir presentis, in

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the worde of a Prince, to caus the haill premissis for the pairt of the said Thomas to be observit, fulfillit and keipit to the said Sir Williame without contradictioun, commanding be thir presentis the maister and uthiris officiaris of [his] Hienes cunyiehous to mak compt, rekning and payment of the proffeit of the said money, and of quhatsumevir uther commoditie may be had be the industry of the saidis strangearis, at quhatsumevir tymes he sall require thame thairto, as thay will answer to his Majestie upoun thair obediens."

The raid for the pursuit of the Earl of Huntly deserted.

"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secrete Counsale, hes thocht meitt to desert the raid and armey appointit to convene at the burgh of Perth, upoun the tent day of Marche instant, for persute of George, Erll of Huntley, and uthiris his compliceis, quhilkis cruellie murthourit and slew umquhile James, Erll of Murray, Dunbar, shereff of Murray, and hurte sindrie thair freindis and servandis, eftir thai had tressounablie rased fyre and brint the place of Dynnibirsill, upoun the sevint day of Februair last bipast, and that in respect of the said Erll of Huntleyis letter direct, and offer maid to his Majestie in his name be the Maister of Elphingstoun, that he and his complices wald compeir befoir his Hienes and Counsale, and undirly the tryale of the lawis for the said cryme, at the day appointit thairto, thair repairing agaitwart to the same effect and charge gevin be the way, eftir new resolutioun takin be his Majestie, with advise of his Counsale, for thair entree in warde within his Hienes castell of Blaknes quhill his Hienes had tane forder ordour in that mater,—as indeid his Majestie hoipis that they sall rander thair obediens in this poynt,—and thairfoir his Majestie, with advise of the saidis Lordis, ordanis letters to be direct to mak publicatioun of the premissis to all and sindrie his Hienes liegis, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme and uthiris placeis neidfull, quhairthrow nane pretend ignorance of the same, and to command and charge all the saidis liegis, and in speciall the personis expressit in his Hienes formair proclamatioun, to prepair thameselffis and be in full reddynes to repair to his Majestie to sic partis and upoun sic dayis as thai salbe advertist be new proclamatioun upoun fifteen dayis wairning, providit to pas fordwart with xx dayis victuallis and provisioun for persute of quhatsumevir personis denunceit or that sal be denunceit rebellis for the caus foirsaid, under the pane of tinsall of lyfe, landis and guidis."[1]

Caution in £2000, by James Stewart, apparent of Brighous, and Robert Linlithgow, 9th March.

[1] There is no notice in the Register of that previous proclamation of a raid for the pursuit of Huntly to which the present entry refers; but some order of the kind must have been issued about February 11,—under which date letters from Edinburgh to London announce "Conclusion taken for the pursuit of Huntly: Preparations: Great desire for revenge among the Stewarts" (*Calendar of English State Papers relating to Scotland*, p. 602). It also appears from Calderwood (v. 146) that Huntly was about that time in the neighbourhood of Perth, on his way to his own north.—The arrangement that Huntly should surrender himself and enter Blackness Castle to await his trial had been negotiated between him and the King by correspondence a few days ago (Calderwood, v. 148).

Caution for the Sheriff of Bute.

Stewart, bailie of Linlythqu, for Johnne Stewart, sheriff of Bute, that within ten days he shall repair to the city of Glasgu, there to keep ward till relieved. Acta 1591–94.

Edinburgh, 14th March.[1] Caution for Mackenzie of Kintail.

Caution in £1000 by Johnne Ros, provost of Narne, for Coline M^cKanzie of Kintaill, that he will not harm Johnne Levingstoun of Abircorne, one of his Majesty's master stablers. Page 108.

Edinburgh, 17th March. Caution for Hamilton of Coldcott and others.

Caution by Jonas Hammiltoun of Coitquoitt, and James Hammiltoun, apparent of Ormestoun, as surety for him, in £1000, and by the said Jonas and James for Williame Hammiltoun, his brother, Williame Hammiltoun, their brother natural, and Williame Broun in Coitquott, in 500 merks each, that they will not harm Margaret Tuedy, relict of Johnne Murray of Rowmannais.

Edinburgh, 20th March. Caution for William Fotheringham.

Registration, by Mr David Guthrie, as procurator for the surety, of a band of caution in 1000 merks by David Guthrie of Kincaldrum for Williame Fotheringhame in Tarbrekis, that Dame Allesoun Charterhous, Lady Pourie-Fotheringhame, Mr James and Alexander Fotheringhames, her sons, Johnne and Robert Mitchelsounis, Williame Keill, Williame Oliphant, and Johnne Smith, shall be harmless of him. Subscribed at Dundee, 19th March, before Andro Guthrie, burgess of Dundee, Williame Guthrie, "my sone," and Charlis Mitchelsoun.

Linlithgow, 22nd March.

Sederunt—Rex; Dux Lennocie; Cancellarius; Hammiltoun; Mar; Pluscarden; Secretarius; Blantyre; Collector; Computorum Rotulator; Carmichaell.

Order to denounce John Drysdale and certain others.

Johnne Dryisdell in the Barnis of Tullicultrie and Archilles Dryisdell in Drummie, having failed to appear to answer "to sic thingis as sould have bene inquirit of thame," are to be denounced rebels. For the same reason Robert Hepburne of Halis, George Auchincraw of Eist Restoun, Patrik Auchincraw in Eist Restoun, David Auchincraw in Gunisgrene, Johnne Craw, son of the Lady Rentoun, and Robert Cathcart, sometime sheriff clerk of Edinburgh, are to be denounced rebels.

To denounce the Earl of Huntly and others concerned with him in the attack on Donibristle and slaughter of the Earl of Moray and others.

George, Earl of Huntlie, Sir Patrik Gordoun of Auchindoun, Sir Thomas Gordoun of Cluny, Williame Gordoun of Geycht, Robert Innes of Innermarky, Gordoun of the Craig of Auchindoir, Johnne Gordoun of Carnburrow, George Gordoun, his brother, James Lorymer and Alexander Chalmer, servitors to the Laird of Innermerky, Patrik Gordoun of Lettirfoury, Patrik Gordoun of Corrochree, Johnne Gordoun of Auchannachie, Normond Leslie, Johnne Vaus of Lochslyne, Johnne Ros, Johnne Gordoun of Altounhois, Johnne Drummond, Andro Wode, Johnne Page 109.

[1] On the 10th of March, or four days before the date of this entry, the Court being still at Linlithgow, Huntly, according to the arrangement made with the King and Chancellor, had gone into ward in Blackness Castle. It was nominal ward only, he and his servants virtually keeping the Castle.

Acta 1591–94. Edmestoun, Robert Dalgleishe, William Borthuik, master stabler to the said Earl, George Gordoun of , James Moubray, George Gordoun, brother to the Goodman of Corrochrie, James Borthuik at the Brigend of Haillis, Johnnie Chalmeris, sister's son to the Laird of Geycht, and Williame Morisoun, having failed to appear "at ane certane day bigane," as charged, to answer touching the "lait tressounable rasing of fyre and birning of the place and houssis of Dunnybirsill, and slauchter of umquhile James, Erll of Murray, and certane uthiris being thairin," are to be denounced rebels.[1]

Protest in favour of the Countess of Errol.

James Harvy, appearing before the King and Council as procurator for Dame Agnes Sinclair, Countess of Errole, and Alexander Gordoun of Strathdowne, her spouse, gives in a copy of the letters raised by Hary Gordoun of Goule and Mr Walter Gordoun of Westhall, charging the said Lady and her spouse to appear and produce the letters raised at their instance against the said Hary and Mr Walter, touching the delivering to her and her said spouse of the mansion house in Auld Abirdene, called the Claittis house (*ante*, p. 699), with a view to the suspension of the said letters; and, in respect of the non-appearance now of the said Hary and Walter, the said procurator protests that the said letters shall be put to farther execution in all points. The Lords of Secret Council admit the protestation, and ordain accordingly.

Page 110.

Suspension of horning against Kirkpatrick of Closeburn.

Petition by Thomas Kirkpatrik of Closburne, principal sheriff-depute of the shire of Drumfreis, as follows:—Sir James Douglas of Drumlangrig ceases not to trouble him in the execution of his said office, sometimes "be the forceable taking frome the place of jugement of thevis and malefactouris," and at other times "acclameing thevis and malefactouris to be his propir dependaris, and comprehendit undir ane exemptioun purchest be him fra the said complenaris jurisdictioun befoir the Lordis of Sessioun," thus constraining the petitioner "to mak a continuall dependance upoun his Majestie and Counsale to answer to the said Schir James surmesit complaintis." In particular, of late, "the said complenar haveing takin Thomas Greir of Marginalloch, ane commoun and notorious theiff, eftir the committing of actuall thift in taking and steilling fra Johnne Greir in Cor-

[1] This order was merely for form's sake, and by way of legal sequence to a charge previously given. In fact, the Earl of Huntly and his associates were now free from all chance of pursuit. David Moysie, in his *Memoirs*, after noticing that Huntly had warded himself, by arrangement, in Blackness Castle on the 10th of March, but that his associates had neglected to ward themselves at the same time in Edinburgh Castle, as had been also arranged, proceeds (p. 92) thus:—"Efter he had remanit a fyve or sex dayis in wairde, he geve in ane bill to the Counsell, and desyrit to be fred, upone cautioun that he sould compeir upone the thrid day of the nixt justice air within the schyre quhair he dwelt, or sooner upon xv dayis warning, and underly the law for the said murthour: quhilk, efter sum circumstances usit, wes granted be the King and maist pairt of the Counsell, and his releif put in the Kingis awin handis; and swa wes freed quyetlie be his Majestie, and past therfra to the Castell of Fyndheavin, quhair he ramanit in cumpanie with the Erle of Crafurde a certane tyme; and therefter was freed simpliciter, or upone cautioun never fund, as I hard." The minutes of proceedings in the Earl's case since the deed of Feb. 7 are, it will have been noted, suspiciously scanty in the Register of Council. It was a disagreeable affair, and a good deal may have been left purposely unregistered.

malegene of threttene scheip, pertening to him and uthiris personis, of the quhilkis he had the keiping for the tyme,—lyke as the said theif hes confessit the samin and uthiris pointis of thift quhairof he is convict be ane condigne assise quhomeunto he submittit himselff,—the said Schir James, upoun plane intent to move the said complenair to cummer and withdraw him fra the executioun of his said office, upoun verie malice, complenit upoun him, allegeing the said Thomas Greir to be his man, comprehendit within his exemptioun, and a trew man, and that the said Thomas wyffe and the said Schir James wer within secund and thrid degreis of consanguinitie, and upoun his said complaint purchest chargeis, chargeing the said complener to ane certane day to heir him decernit to putt the said theiff to libertie, or ellis to shaw a ressounable caus quhy" (*ante*, p. 696). Complainer had appeared on the day assigned; but, the matter having been continued "to divers uthiris dayis and at last to a certane day," and the complainer, from want of due knowledge, not having appeared on this last day," uthiris letters wer direct *simpliciter*, quhairwith be wes chargeit to putt the said theif to libertie," and for his alleged disobedience to these, Sir James has "causit denunce him to the horne." The procedure is altogether unjust, "seing it is of veritie that the said theif is man, servand and dependair to James, Erll of Glencairne, duellis upoun his landis and heritage, and undir his obediens; nather is his said wyffe within ony degree of kin to the said Schir James, nor yit comprehendit in his said exemptioun, as salbe cleirlie verifeit to his Majestie and his Counsale." On these grounds, and because his Majesty has commanded the complainer "to delyver the said theiff to the said Erll" for trial, according to the commission granted to the Earl, the said letters against complainer should be suspended.—The complainer appearing by Robert Bellenden, his servant and procurator, and Sir James Douglas appearing by Robert Phillop, his servant and procurator, the Lords do suspend the letters. Acta 1591-94.

Edinburgh, 25th March 1592. Caution for Agnes Morton and others.

Registration, by Mr James Donnaldsoun, advocate, as procurator for the parties, of a band of caution by Johnne Semple of Foulwode and Robert Semple, fiar thereof, for Agnes Mortoun, portioner of Eister Walkinshaw, in £500, and for Johnne, James, and Williame Semplis, her sons, and Robert Semple in Portairtoun, in 300 merks each, that Malcolme Scott in Housill and Malcolme Jamesoun in Grenesydehauch shall be harmless of them. Subscribed at the Foulwode, 21st March 1591, before Robert Speir, elder, Williame Speir, younger in Foulwode, Johnne Speir there, Johnne Semple in Blakburne, and Johnne Semple in Birkinheid. Page 109.

Caution for Brisbane of Roseland.

Caution in £500 by Williame Wallace, younger of Johnnestoun, for Matthew Birsbane of Roisland, that he will not harm Malcolme Scott in Housill or Malcolme Jamesoun in Grenesydhauch.

Holyrood-house, 29th March.[1]

Sederunt—REX; Cancellarius; Mar; Mortoun; Thesaurarius; Secre- Page 110.

[1] The King, who had spent nearly the whole month of March in Linlithgow, to be out of the tumult in Edinburgh on account of the Earl of Moray's death, was now back in Edinburgh,—not to remain there long, however.

Acta 1591-94.

tarius; Blantyre; Clericus Justiciarie; Collector; Clericus Registri.

Jonas Hamilton and others against Lady Romannos.

Complaint by Jonas Hammiltoun of Coitquott, Williame Hammiltoun, his brother, William Hammiltoun in Cranstoun, and William Broun in Bordland, as follows:—They were lately charged by a letter passed under the King's subscription and signet to deliver the places of Rowmannais to Stevin Alexander, messenger, executioner of the said letter, within six hours after the charge, under the pain of rebellion; "lyke as, for thair allegeit dissobediens, the said Stevin Alexander hes alreddy, at the leist intendis to, putt thame to the horne." Now, after the "shamefull and unworthie slauchter" of Johnne Hammiltoun of Coitquott, father of the said Jonas and Williame, and of Richard, their eldest brother, committed by Williame Murray of Rowmannais, Williame Murray, his "oy and
Page 111. appeirand air," and their accomplices, these persons had been put to the horn in default of finding surety for their appearance to undirlie the laws for the said slaughters; and, "thairupoun being chargeit, be vertew of letters, to have randerit the saidis placeis of Rowmannais to Johnne Blensele, Bute pursevant," they had "contempnandlie" refused to render the same, incurring thereby the pain of treason. The King and Council had then given commission to the said Williame Hammiltoun in Cranstoun, Williame Broun in Bordland, and Johnne Blensele, to take the said houses by violence; "lyke as, be vertew of the said commissioun, thay tuke the same houssis, removit the saidis personis and thair famileis furth thairof, and presentlie keipis the same placeis in his Majesteis name, being speciallie appointit to that effect be ordinance of the Prevey Counsale, and haveing the soume of tuenty merkis money allowit and modifeit to thame monethlie be the said Prevey Counsale for keiping of the said houssis, and appointit to be payit oute of the reddiest of the leving of Rowmannais yeirlie during the tyme of the rebellioun and dissobediens of the saidis personis" (*ante*, p. 698). And so the "maner and circumstanceis of the taking and keiping of the saidis houssis" have all been regular and "upoun sufficient actis and warrandis ordourlie past and exped," including "twa severall decreitis," one passed before the King and Council and the other lately before the Lords of Council and Session. Aware of this, the said persons "have surreptitiously, without his Majesteis knawlege or allowance, purchest the said prevey letter, thinking thairby, and as it wer by all ordour of law, to cum to thair intent, albeit the said letter and haill sequele thairof be null in the selff, in sa fer as the samin wes purchest outwith Counsale, without tryale or cognitioun preceding, or calling of the saidis complenaris to the geving thairof."—Charge had been given to the said Stevin, and Margaret Tuedy, relict of Johnne Murray of Rowmannais, "purchessair" of the said letter, to appear and answer to this complaint; and now, the said Jonas and Hammiltoun in Cranstoun appearing for themselves and the other pursuers and the said Margaret appearing also personally, and the said Stevin not

appearing, the Lords find the foresaid letters directed for rendering of the said places "to be ordourlie procedit," and therefore ordain the same to be put to farther execution in all points,—the said Margaret, however, first finding caution in 500 merks that the persons denounced rebels for the slaughter of the said Johnne and Richard shall not have refuge within the said places during their rebellion. Acta 1591–94.

To denounce James Hislop.

James Heislop in Esshesteill, having failed to appear, as charged, to answer touching the late treasonable conspiracy at Haliruidhous, is to be denounced rebel.

Band for William and Robert Semple.

Registration, by Mr Johnne Crawmonth, as procurator for the surety, of a band of caution by Robert Semple, fiar of Foulwode, for Williame Semple in Hill, and Robert Semple, his son, in Portertoun, in 1000 merks each, that they will not harm Niniane Stewart, servitor to the Duke of Lennox. Subscribed at Paislay, 27th March 1592, before Neill Montgomerie of Langshaw, Robert Birsbane, younger of Bischoptoun, Williame Semple, called in Bornehill, Johnne Hendirsoun, notary public, and Johnne Semple of Brigend. Page 112.

Edinburgh, 31st March. Caution for Walter Campbell and his sons.

Caution by George Buquhannane of that Ilk for Walter Campbell in Dowane in £500, and for Johnne and Robert, his sons, in 500 merks each, that Robert Lindsay of Balhall, Mistress Elizabeth Semple, Lady Knokdoleane, his spouse, Robert Grahame of Auchinhowie, son of the said Mistress Elizabeth, Charlis Campbell in Auchinhowie, Martine Gowane there, Johnne Dalrumple there, Walter Dalrumple there, Johnne Dalrumple, his son, there, Johnne Smith, miller at Auchinhowie-miln, Johnne Lapslie in Blairskaith, James Dalrymple there, James Grahame, Johnne Angus, and Alexander Angus, shall be harmless of them.

Edinburgh, 3rd April. Band for Lovell of Balumbie.

Registration, by Mr Olipheir Colt, advocate, as procurator for parties, of a band of caution in 3000 merks by Johnne Ogilvie of Duntrune for Williame Lovell of Balumbie, that he will not harm James Guthrie of Gagy. Subscribed at Balumbie, 28th March 1592, before Gilbert Luvell, brother of the said Williame, Alexander Begak, Hew Auchinlek, James Greg, notary, Alexander Ogilvy, and Andro Olipheir of Gagy.

Edinburgh, 4th April. Promise by Ker, younger of Cesford, anent Andrew Ker of Newhall and his brothers.

Williame, Earl of Mortoun, having, at the special request of Sir Robert Ker, apparent of Cesfurde, consented that Andro Ker of Newhall be released furth of Blaknes, where he now lies by the King's direction and the said Earl's procurement, the said Sir Robert promises, "on his faith and honnour," to make the said Andro answerable to justice, and to this effect to enter him before the justice when required by the said Earl, and also to "caus his tennentis of Langnewtoun be sufferrit peceablie to occupy, labour and manure" the said lands, and to collect and lead the teinds thereof for the said Earl's use in time coming, without being troubled by the said Andro, or by Robert and James Keris, his brothers; and, with this view, the said Sir Robert is ordered to expel furth of this realm the said

Acta 1591-94. Robert and James Keris, and not suffer them to return without the said Earl's special licence.—"This Act is deleit be a warrand subscrivit be his Hienes Chancellar, Secretare, Clerk of Register, Parbroth, Comptroller, and Laird of Bukcleuch, past alsua in Counsall, daitit at Edinburgh the last day of Julii 1595: J. Andro."

Proclamation anent the expected arrival of Spaniards in Orkney, Shetland, and the Northern Isles.

His Majesty understanding that "thair is certane Spanishe shippis riggit oute in weirlyke maner and presentlie in reddines to repair to the North Ilis and coistis of this realme, and cheiflie to the pairtis ewest the cuntreyis of Orknay and Zetland, for rubbing, spuilyeing, and invading, as thay have done of befoir, not onlie his Majesteis awne subjectis, bot the Quene of England, his darrest suster and cousin, and sic uther princeis as standis in strait league of amitie and freindship with his Hienes, occupiit
Page 113. this seasone of the yeir in thair lauchfull and accustumat trade of fisheing, be quhais labouris and industrie grite commoditie wes randerit, and in speciall to the inhabitantis of this haill Iland, aganis quhome cheiflie this kynd of persute and invasioun is now intendit, pairtlie for disapointing and bereving thame of the fructis of thair labouris, and pairtlie for subversioun and overthraw of the trew religioun, and consequentlie of the royall personis, crownis and estate of thair maisteris," it is ordered that officers of arms charge Robert, Earl of Orknay, and all and sundry officers and ministers of the law, and generally the inhabitants of Orknay and Zetland and other north isles and coasts, by open proclamation at the market crosses of the head burghs and ports of the same, not to permit any Spanish vessel, Spaniards, pirates, or reivers, to have refuge in any of their ports or on the sea coasts, or to grant them aid, or furnish them with pilots, armour, or provision, but to apprehend or pursue them "with fyre and swerd, and all uther kynd of violence and extremitie, be sey and land." For the better execution of this order, they are to rise and march, "at all tymes and occasionis, as thay salbe advertissit be signis, taikynnis, bekynnis, missive letters or messageis frome sic personis as salbe occupyit in the said lauchfull and accustumat trade of fisheing," not disbanding or removing from the company of such persons till the Spaniards and their vessels are taken or driven away, and not showing themselves negligent or slothful in the business, under pain of loss of life, lands and goods.

Caution for Mr Peter Hay.

Caution in 500 merks by Patrick Hay of Petcullane for Mr Petir Hay, son of George Hay of Ros, that he will not harm George Clark of Clochandarg, Katherene Moncur, relict of Andro Clerk of Clochandarg, or Patrik Clerk in Balgai.

Band for Scrimgeour of Dudhope.

Registration, by Mr Thomas Craig, advocate, as procurator for parties, of a band of caution in £1000 by Thomas Wentoun of Strictmartine for James Skryngeour of Dudop, constable of Dundee, that Henry Ramsay of Lawis, and Gilbert Quhittit, sheriff clerk of Forfair, shall be harmless of him. Subscribed at Ruthvennis, 3rd April, before Johnne, Earl of Mar, Thomas Erskin of Gogar, James Reid, Thomas Hume and Johnne Musshett, servants to the said Earl.

Registration, by Mr Richard Spens, as procurator for the parties, of a

Band for Bruce of Fingask and his sons.

band of caution by Alexander Blair of Bagra for Williame Bruce of Fingask, and Patrik Bruce, apparent of Fingask, his son, in £1000, and for Johnne Bruce, also his son, in 500 merks, that the three persons named in the entry before last, and Thomas Jaksoun in Balgai, shall be harmless of them. Subscribed at Perth, 1st April, before Johnne Blair of Melginche, Johnne Stevinsoun of Pitroddie, Thomas Blair, writer, Thomas Gaw, and Thomas Myll and Thomas Nicoll, notaries. Acta 1591-94. Page 114.

Edinburgh, 5th April. Band for Ogilvy of Inchmartin and others.

Registration, by Johnne Haliday, as procurator for the parties, of (1) Caution by Patrik Kinnaird of that Ilk for Patrik Ogilvy of Inchemartine, and Patrik Ogilvy, his son and apparent heir, in £1000 each, and for Williame Ogilvy in Balgai in 500 merks, that George Clark of Clochandarg and his foresaid colleagues shall be harmless of them. Subscribed at Inchemartine, 4th April, before James Monorgound, apparent of that Ilk, Johnne Arnott, Williame Haitlie, and Andro Gray of Bullioun, notary public. (2) Caution to the same effect by Patrik Ogilvy of Inchemartine and Patrik Kynnaird of that Ilk for Andro Moncur of that Ilk, and Andro Moncur, his son and apparent heir, in £1000 each, and for Thomas Moncur, his brother, in 500 merks. Dated and witnessed as above.

Band for Moncur of that Ilk and others.

Band for Hay of Megginch and others.

Registration, by Mr Thomas Hendirsoun, as procurator for the parties, of (1) Caution by Petir Hay of Meginche, Patrik Hay of Petcullane and Petir Hay of Kirkland, his sons, George Hay of Ros, Patrik Hay, his son, Petir Hay in the Miln of Aithmure, Robert Turnbull of Boigmiln, Patrik Kynnaird in Inchemichaell, Patrik Hay in the Kirktoun of Errole,—the two first as sureties in £1000 each for all the persons named, and George Hay of Ros as surety for the said two, and all the rest in 500 merks each,—that the foresaid George Clark, Katherene Moncur, Andro Clerk, and Patrik Clerk, shall be harmless of them. Subscribed at Meginche, 3rd April, before Patrik Buttir, apparent of Gormo (Gormok), Williame Duncane, chirurgeon in Dundee, Patrik Kynnan, servant to the said Petir Hay of Meginche, and Mr Archibald Allane, notary public. (2) Caution to the same effect by Patrik, Lord Gray, for Patrik Gray, son and apparent heir of Andro Gray of Ballegirno, and Elspeth Gray, Lady Inchestuir, in 1000 merks each, and for James Gray in Forgone, Petir, Gilbert, and Patrik Grayis, his brothers, Thomas Gray in Buttirgask, Patrik, Andro and James Grayis, his brothers, Johnne Turnbull, brother of Robert Turnbull of Boigmyln, in 500 merks each. Subscribed at Foullis, 3rd April, before Gilbert Gray of Bandorane, "our bruthir," Alexander Watsoun, his servant, and Thomas Gray, "our servitour." Page 15.

Band for Patrick Gray and others.

Band for Kinnaird of that Ilk and others.

Registration, by Johnne Haliday, as procurator for the parties, of (1) Caution by Patrik Ogilvy of Inchemartine for Patrik Kynnaird of that Ilk in £1000, and for George Kynnaird, brother of the late Patrik Kynnaird of Inchestuir, and George Kynnaird in Ballegarno, in 500 merks each, that the foresaid Katherene Moncur, George Clerk, Patrik Clark, and Thomas Jaksoun, shall be harmless of them. Subscribed at Inchemairtine, 4th April, before James Monorgound, apparent of that Ilk, Johnne Arnott,

Acta 1591-94. Williame Haitlie, and Andro Gray of Bullioun, notary public, who subscribes for the said George Kynnaird. (2) Caution to the same effect by Gilbert Ogilvie of that Ilk and Johnne Skryngeour of Kirktoun for David Maxwell of Teling, and Hew Maxwell, apparent thereof, in £1000 each, and for George, Patrik, Thomas, Robert and Hew Maxwellis, their brothers, Page 116. in 500 merks each. Subscribed at Dundaff, 4th April, before Mr Gilbert Ogilvy, James Broun, Archibald Drummond, and Duncane Reid,—A. Wedderburn, notary public, subscribing for the said Thomas Maxwell.

Caution for Maxwell of Tealing and others.

Caution in 300 merks by Andro Lyle in Huntliewode for Johnne Trotter, sometime in Swintoun, that he shall answer before the Council to such things as shall be laid to his charge, upon 15 days' warning.

Edinburgh, 7th April.[1] Caution for John Trotter.

Registration, by Mr David M°Gill, advocate, as procurator for the surety, of a band of caution in 500 merks by Andro Gray of Dunnynauld for Gilbert Raa, burgess of Perth, that he will not harm Sir James Skryngeour of Dudhop. Subscribed at Dunnynauld, 2nd April, before Alexander Ogilvie, George Dawsoun, and Hercules Guthrie, "my servandis."

Band for Gilbert Rae.

Caution in 10,000 merks by Thomas M°Dowell of Mackairstoun for Johnne Nasmyth, chirurgeon, that, within 20 days after being released from Dunbartane Castle, he shall go abroad, and shall not return without the King's licence.—Deleted by a warrant subscribed by the King and the secretary at Haliriudhous, 1st August 1593: J. Andro.

Edinburgh, 8th April. Caution for John Naismith.

Caution in 500 merks by Captain Williame Hammiltoun of Ovirtoun for Williame Reidpeth, parson of Ellemfurde, that he will not harm Thomas Cathie in Duringtoun or Raulff Cathie there. Caution to the same effect by Williame Cokburne of Chouslie for Robert Lauder in Raburne and Thomas Middlemest there.

Edinburgh, 10th April. Caution for William Redpath and others.

Registration, by James Stirling, advocate, as procurator for the surety, of a band of caution by Alexander Drummond of Medop for Adam, Commendator of Cambuskynneth, that he shall pay to Patrik, Lord Drummond, so much of the sum of £2500 in which he had been decerned as one of the sureties for the said Commendator as shall be verified by the said Lord to have been paid by him to the Treasurer before the 2nd November Page 117. 1585. Subscribed at Watterstoun, 12th April, before Mr Johnne Hay, one of the Clerks of Session, and Gilbert Robertsoun, his servitor.

Edinburgh, 12th April. Band for the Commendator of Cambuskenneth.

[1] This day the King hastily left Edinburgh and crossed the Firth in pursuit of Bothwell, who had been heard of in the vicinity of Dundee. He was to be absent on a northern circuit for about a month,—during which month, it will be found, the datings of Council meetings are partly at Edinburgh, where a residue of the Council remained for formal business, and partly in places visited by the King and the major part of the Council in the course of their circuit. Moysie, in his *Memoirs* (p. 93), says that it was part of the King's purpose, in this northerly circuit, to avoid a convention of the Nobility and Estates which had been called at Edinburgh for the 20th of April, in anticipation of the coming Parliament.

Band for Robert Graham and others.

Registration, by Mr James Foullis, advocate, as procurator for the surety, of a band of caution by Williame Grahame, parson of Killerne, for Robert Grahame of Auchinowie, Charlis Campbell in Auchinhowie, Martine Gawane there, Johnne Dalrumple there, Walter Dalrumple there, Johnne Dalrumple, his son, there, Johnne Smyth, miller at Auchinhowie-miln, Johnne Lapslie in Blairskeyth, James Dalrumple there, James Grahame and Archibald Mathie, servants to Mistress Elizabeth Semple, Lady Knokdoleane, and Johnne and Alexander Angus in Auchinhowie, in 500 merks each, that Walter Campbell in Dowane, Johnne, Robert, and Alexander Campbellis, his sons, and Johnne Cunynghame and James Watsoun, his servants, shall be harmless of the said persons. Subscribed at Killerne, 8th April 1592, before Johnne Grahame, "my sone," Johnne M^{c}Farlane, "my servand," and Johnne Wigtoun. Acta 1591–94.

Edinburgh, 13th April. Caution for Robert Cathcart.

Caution in 500 merks by Thomas Aikman, burgess of Edinburgh, for Robert Cathcart, son of Allane Cathcairt of Garbistoun, that he shall answer upon 1st May next before the King and Council to such things as shall be laid to his charge,—the Treasurer and Advocate to be warned to the said day.

Perth, 14th April. To denounce the Master of Gray and his brother.

Patrik, Master of Gray, and Robert Gray, younger, his brother, having failed to appear this day to answer touching reset and intercommuning with Frances, sometime Earl Bothuile, and his accomplices, guilty of the late attempt in Halyruidhous, are to be denounced rebels.

Caution for Redpath of that Ilk.

Caution in 1000 merks by Williame Cokburne of Chouslie for Thomas Reidpeth, fiar of that Ilk, that he will not harm Thomas Cathie in Duringtoun or Raulff Cathie there.

Band for William Redpath.

Registration, by Mr David M^{c}Gill, advocate, as procurator for the surety, of a band of caution to the same effect by Williame Polwart, younger of Rottounraw, for Williame Reidpeth, son of Williame Reidpeth of that Ilk. Subscribed at Edinburgh, 14th April, before James Prymrois and George Tod.

Edinburgh, 18th April. Band for Tweedie of Dreva and others.

Registration, by Mr Johnne Crawmonth, as procurator for sureties, of (1) Caution by James Tuedie of Drummelyeair for Adam Tuedie of Dreva, James Tuedy, his son and apparent heir, and Williame Tuedie of the Wrae, in £1000 each, and for Mr Johnne Tuedie and Thomas Tuedy, sons of the said James, Johnne Tuedy of Innerlethem, Thomas Tuedie in Peblis, and Johnne Tuedy, his son, in 500 merks each, that Jonas Hammiltoun of Coitquoitt, Williame Hammiltoun, his brother, Williame Hammiltoun, their brother natural, and Williame Broun, shall be harmless of them. Subscribed at Drummelyeair, 10th April, before Johnne Creichtoun of Quarter, Patrik Porteous of Halkshaw, and Walter Tuedie, burgess of Edinburgh. (2) Caution in 2000 merks by Adam Tuedy of Dreva for James Tuedy of Drummelyeair, that the said Jonas Hammiltoun and his colleagues shall be harmless of him. Subscribed at Dreva, 12th April, Page 118.

Caution for Tweedie of Drumelzier.

Acta 1591-94. before Johnne Newtoun, burgess of Peblis, Williame Semple and Cuthbert Taillefeir, "my servandis," and Johnne Tuedy, notary public, who subscribes for the surety, "becaus I can not write myselff."

Caution for Henry Robertson.

Caution in £100 by Henrie Robertsoun in Ovir Crago, as principal, and Alexander Robertsoun there, as surety for him, that Thomas Young in Ovir Cragow, Johnne Young, his son, there, and Johnne Broun there, shall be harmless of the said Henrie.

Edinburgh, 21st April. Caution for James Shaw.

Caution by James Shaw of Sauquhy for James Shaw, burgess of Striviling, that Robert Alexander, burgess there, shall be harmless of him, under the pains contained in the letters raised to that effect.

Perth, 22nd April. Caution for provost and bailies of Perth.

Caution by Adam Andirsoun, burgess of Perth, for the provost and bailies of Perth, that they shall, if found liable, pay to the provost and bailies of Edinburgh the sum of £340 as for their part of the contribution imposed upoun the burghs collectively for the 30 tuns of wine advanced by the said magistrates of Edinburgh for furnishing the King's house in January 1589.

Caution for Stewart of Grantully and others.

Caution by Sir Johnne Murray of Tullibairdin for Sir Thomas Stewart of Garntullie in 5000 merks, and for Johnne Reid of Straloch, Walter Reid of Downy, Johnne Fergussoun of Derculie, Allaster Stewart of Cultylany, and George Cunnysoun, younger of that Ilk, and by Alexander Menzeis of Weyme for Johnne Stewart of Tullypoureis, all in 500 merks each, that they shall not reset or intercommune with Frances, sometime Earl Bothuile, or his accomplices, or his or their resetters, and that they shall not reset or suffer to pass through their lands any thieves, sorners
Page 119. or broken men of the Highlands, or reset within their bounds such goods as shall be stolen by such, and also that they shall assist the King's good subjects in following and rescue of goods reft or stolen, and for apprehending the malefactors, according to the general band. The King and Council discharge the act of caution formerly found to this effect by Johnne Stewart of Tullipoureis, and George Auchinleck, as surety for him.

Falkland, 26th April. Caution for Lindsay of Balhall.

Caution by Mr David Ogilvy of Carlabank for Robert Lindsay of Balhall in 1000 merks that Johnne Spreule and Williame Spreule, burgesses of Glasgu, shall be harmless of him.

Falkland, 27th April. Caution for Stewart of Ballachan.

Caution in 1000 merks by Sir Johnne Murray of Tullibairdin for James Stewart of Ballachane, exactly as for Sir Thomas Stewart of Garntullie and his colleagues in the entry before last. His Majesty discharges "all forme of cautioun found be the said James of befoir tuicheing the last parte of this act allanerlie."

Edinburgh, 28th April. Caution for William Melrose.

Caution in 300 merks by Williame Raa, cutler, burgess of Edinburgh, for Williame Melrois, son of the late Johnne Melrois, wright, burgess there, that he will not harm Johnne Gledstanes, Ormond pursuivant.

Linlithgow, April. Act anent the returns of rentals of benefices.

"Forsamekle as oure Soverane Lord haveing with avise of his Secreit Counsale thocht it necessair, for the bettir knawlege of the estate and yeirlie rent of his Hienes temporalitie laitlie annext to his Croun, that thair sould be a rentall thairof gadderit be the productioun and extract of the minutis of all the fewis, rentallis and uthiris richtis maid to quhatsumevir persone of quhatsumevir pairt or pertinent of the saidis temporall landis quhairevir thay ly within this realme; according to the quhilk ordinance, chargeis being first directit to all fewaris and uthiris titularis foirsaidis to have produceit thair fewis at Edinburgh within the day assignit to thame be the letters, nane or verie few compeirit; quhairupoun it wes thocht meitt that commissionaris sould be appointit in everie prisbiterie, authorised with pouer and libertie to call in befoir thame all and sindrie the saidis fewaris and uthiris foirsaidis within thair boundis for the said productioun and extract; and, commissionis being accordinglie direct to certane weill affected gentilmen in everie prisbiterie within this realme, the same wer lykwayes randerit ineffectuall be the refusall of the saidis commissionaris to accept that burding upoun thame; quhairthrou his Majestie resting disapointit of his intent anent the certantie and knaulege of his said annext rent, and his officiar appointed for inbringing thairof being thairby unable to mak a certane charge and discharge thairof in the chekker, according to the yeirlie custum observit in his Hienes rentis: thairfoir his Majestie, with advise foirsaid, mynding to committ the uptaking of the saidis minutis to his Hienes officiaris in every quarter of this realme as wilbe answerable to his Majestie upoun thair diligence, and reporte unto his Majestie ather certantie of the haill temporall rent within thair boundis or executioun upoun the dissobedientis, hes, to that effect, nominat and chosin the subcollectouris in everie quarter as meitast to burdin with the service: Ordanis thairfoir commissionis to be direct to every ane of the saidis subcollectouris within the boundis of thair service, to sitt in sic parte or pairtis within thair foirsaidis boundis as thay sall think convenient for the commodious repair to thame of the titularis and fewaris within specifeit, at sic dayis and termes as they sall find convenient for that effect, and thair to warne and call in befoir thame alswele the present titularis and possessouris of quhatsumevir beneficeis, grite and small, within the precinct of thair charge, for productioun befoir thame of a perfyte and destinct rentall of thair saidis beneficeis, contening speciall designatioun of the temporall rentis thairof as the fewaris, rentallaris and utheris possessouris quhatsumevir of the saidis temporall landis, for productioun befoir thame of thair saidis fewis and uthiris titlis, to the intent the just copie, at the leist the extract of sa mekle thairof as may informe his Hienes of the dispositioun, halding and dewitie of the samin, may be ressavit be the saidis commissionaris, to be insert and registrat in the buikis of his Hienes temporalitie, to serve his Hienes and his successouris for ane sufficient rentale in that parte in tyme to cum; and to that effect, giff neid beis, to caus proclame and execute letters deliverit to thame aganis the dissobeyaris; courte or courtis to that intent to sett, begin,

Acta 1591-94.

Page 120.

Acta 1591–94. affirme, hald, and continew; clarkis, officiaris, and all utheris memberis of courte neidfull, to mak, creat, substitute and ordane, for quhilkis thay salbe haldin to answer; and generallie etc., ferme and stable etc.: this commissioun, to the first day of nixt to cum, and forder quhill the saidis commissionis be alterit or dischargeit, to induir."

Edinburgh, 1st May. Caution for Montgomery of Haslehead.

Caution in £1000 by Thomas Neving, fiar of Monkardene (Monkridding), for Hew Montgomerie of Hessilheid, that he will not harm Jeane Wallace, conjunct fiar of the lands of Halpland, or James Dunlop, younger of that Ilk.

Band for Stewart, younger of Barscube.

Registration, by Alexander King, as procurator for the parties, of a band of caution in £1000 by Sir Mathew Stewart of Minto for Johnne Stewart, younger of Barscuib, that Allane Lok in Auld Compstoun, Robert Lok, his father, Jonnett Stewart, mother to the said Robert, Mathew Lok, her son, Johnne Keirlie in Auld Cruikstoun, Williame Semple in Pottertoun, and Robert Semple, his son, shall be harmless of the said Johnne Stewart. Subscribed at Daldowie, 28th April, before Mr James Corbett, Johnne Cuik, burgess of Glasgu, James Lichtbody, "my servand," and George Huchesoun, notary.

Edinburgh, 2nd May. Band for Spreule of Ladymure.

Registration, by Mr Umphra Blensele, as procurator for the parties, of a band of caution in 500 merks by Sir Mathew Stewart of Minto for Johnne Spreull of Ladymure, that he will not harm Robert Lindsay of Balhall. Subscribed at Glasgu, 1st May, before Thomas Clogy, Williame Stewart, Malcolme Stewart, Mathew Fisheair, servants to the said Sir Mathew.

Edinburgh, 6th May. Caution for John Kennedy.

Caution in 1000 merks by Thomas Stewart of Ardquhir for Johnne Kennedy, son of the late James Kennedy of Crochbae, that he will not harm Johnne Kennedy of Baltersane,—John Andro subscribing for the surety.

Page 121. Band for Logan of Rais and others.

Registration, by Alexander King, as procurator for the parties, of (1) Caution by Sir Mathew Stewart of Minto for Alexander Logane of Rais in £1000, for Robert and James Loganis, sons of the said Alexander, in 300 merks each, for Gabriel Logane, fiar of Rais, in 1000 merks, for Niniane Stewart, son of the late James Stewart of Cardonald, in 1000 merks, for Williame Stewart of Hullerheid in £1000, for Archibald Ramsay, servitor to the said Niniane, in 300 merks, for George Hair, burgess of Glasgu, in 500 merks, and for Johnne Bar, tenant to the said Alexander Logane, in 300 merks, that Allane Lok in Auld Cruikstoun and his forementioned colleagues (*supra*) shall be harmless of them. Subscribed at Cardonald, 5th May, before Walter, Commendator of Blantyre, Johnne Pollok of that Ilk, Allane Stewart at the Chapel of Dernlie, Michael Stewart of Glanderstoun, Johnne Stewart in Neilstounsyde,—George Hucheson, notary public, subscribing for the said Williame Stewart. (2) Caution by Sir Mathew Stewart of Minto for Malcolme Scott in Houssill and Malcolme Jamiesoun in

Band for Malcolm Scott and Malcolm Jamieson.

Grenesydhauch in 300 merks each, that they will not harm the said Allane Lok and his colleagues. Subscribed at Glasgou and , 1st and days of May before Gawin Clerk and Archibald Shyn, merchants, and Adam Scott, smith, burgesses of Glasgu,—Archibald Eglinton, notary public, subscribing for the two principals. (3) Caution to the same effect in 500 merks by the said Sir Mathew for Archibald Hiegat, son and heir of the late Williame Hiegait, burgess of Glasgu,—the said Archibald, and Niniane Stewart, servitor to the Duke of Lennox, becoming sureties in relief. Subscribed at Glasgu, 5th May, before Williame Stewart of Hulrat, Williame Martine, and Malcolme Stirling. Acta 1591-94.

Band for Archibald Hiegate.

Dalkeith, 10th May.[1]

Sederunt—Rex; Cancellarius; Mar; Mortoun; Spynie; Thesaurarius; Secretarius; Clericus Justiciarie; Clericus Registri; Advocatus; Carmichael. Page 122.

To denounce Leslie, apparent of Arknow, for not answering a complaint of Patrick Leslie.

Complaint by Patrik Leslie of the Kirktoun of Rathos, as follows:—George Leslie of Arknoch, Williame Leslie, his son and apparent heir, Robert Leslie in the Glen, Johnne Leslie of Dundirlath, Johnne Leslie in Brig, and Johnne Drumbrek in Ortour, with their accomplices, "all bodin in feir of weir," came to the said complainer's proper lands of Kirktoun, "and enterit ane grite nowmer of plewis to the saidis landis, and hes teillit the same, of purpois and intentioun to appropriat the same to thame selffis." They have, moreover, "baneist him the cuntrey, shoiring and avowing, giff at ony tyme heireftir he sal happin to repair to the saidis landis or to ony parte of the cuntrey thairaboute, that thai sal have his lyffe."—Williame Leslie, apparent of Arknow, having been charged to appear and answer, and not appearing, while the complainer appears personally, is to be denounced rebel.

Edinburgh, 14th May. Band for Dunlop, younger of that Ilk.

Registration, by Mr Johnne Skene, as procurator for the surety, of a band of caution in £1000 by Johnne Hammiltoun of Orbistoun for James Dunlop, younger of that Ilk, that he will not harm Hew Montgomerie of Hessilheid. Subscribed at Orbestoun and Blantyre-Craig, 13th May, before Patrik Somervile, son of Johnne Somervile of Cambusnethane, and Mungo Baxter in Bothuill.

Edinburgh, 15th May. Band for Gray of Dunnynald and his son.

Registration, by Mr Thomas Gray, as procurator for the surety, of a band of caution by David Lyoun of Balgillie for Andro Gray of Dunnynauld, and Andro Gray, his eldest son, in £500 each, that they shall answer before the Council upon 10th June next to such things as shall be inquired of them. Subscribed at Bagillie, 6th May, before Alexander Ogilvy, Adam Guthrie, James Neilsoun, and George Dawsoun.

Edinburgh, 16th May. Band for Patrick Finlayson.

Registration, by Mr Olipheir Colt, as procurator for the parties, of a band of caution in 300 merks by Patrik Smith of Braco for Patrik Finlausoun Page 123.

[1] This dating, with the sederunt, denotes the return of the King and Court from their northern circuit begun on the 7th of April (see *ante* p. 741, footnote).

Acta 1591–94. in Scone of Sanct Augustine's lands, that Thomas Allassoun in Lochtoun, and Robert, Thomas, and Andro Allasonis, his sons, shall be harmless of him. Subscribed at Perth, 13th May, before Thomas Donnaldsoun, burgess of Perth, Alexander Eliott in Craigmakerrane, Thomas Eldair of Balbuchtie, and Thomas Ferquhair, notary, who subscribes for Finlasoun.

Edinburgh, 23rd May. Band for Hugh and Hector Munro.

Registration, by Mr Johnne Dempstair, as procurator for the parties, of (1) Caution by James Dunbar of Tarbett for Hucheon Monro of Assin, in 1000 merks, and for Hector Monro, apparent of Assin, his son, in 500 merks, that they will not harm Andro Ros, merchant, burgess of Tayne. Subscribed at Tarbett, 27th March 1592, before Alexander and Mr James Dunbar, sons of the said James, Angus M°Culloch in Craighous, Mark Mawer, burgess of Elgin. (2) Caution in £1000 by the said Hector for the said Hucheoun, that he will not harm Johnne Levingstoun of Abircorne. Subscribed at Assin, 1st April, before Williame Monro of Clyne, Angus Leich of Culnaskey, Neill Monro in Swardell.

Caution for Hugh Munro.

Caution for Alexander Jack and others.

Caution in 500 merks by Johnne Mitchell, portioner of Kinkell, for Alexander Jak in Dubheidis, Hew Jak, his son, there, and Hew Mitchell there, that they will not harm Johnne Lentfute in Eister Dubheidis.

Edinburgh, 25th May. Caution for Lord Semple and others.

Caution by Neill Montgomerie of Langshaw for Robert, Lord Semple, Robert Mure of Cauldwell, and Johnne Pollok of that Ilk, in £1000 each, that they shall appear before the Council upon 15th July next and "answer to sic thingis as salbe inquirit of thame tuicheing the allegeit not dissolving of thair forceis and observing of his Majesteis peax," conform to the letters raised against them to that effect by James, Earl of Glencairne, who is ordained to be warned to the said day.

Edinburgh, 26th May. Caution for Matthew Belshes.

Caution for Thomas Crawford and others.

Caution in 500 merks by George Hume of Weddirburne for Mathew Belseis in Langtoun, that he will not harm Williame Reidpeth in Ellemfurde.

Caution in 1000 merks by Johnne Blair of that Ilk for Thomas Crawfurde of Jordanehill, Daniel Ker of Kerrisland, and James Craufurde, younger of Ovir Munok, that they will not harm Agnes Montgomerie, relict of Robert Ker of Kerrisland.

Page 124. Edinburgh, 27th May. Caution for Hamilton of Dalserff.

Caution in £500 by Johnne Broun of Cultermanis for Robert Hammiltoun, apparent of Dalserff, that he will not harm Williame Hammiltoun, his brother.

Edinburgh, 31st May. Caution for Alexander Burnet and others.

Caution by Alexander Burnett of Leyis for Alexander Burnett in Kynneskie, Johnne Burnett in Inverrie, and Thomas Burnett in Brachanis (Braichinche), in 500 merks each, and for Alexander Blakhall in Leyis, Johnne Archie, wright, Alexander Nevie in Kynneskie, Johnne Reid in Banchorie, Alexander Frost there, Williame Pressie there, Johnne Frost there, Johnne Moir, James Burnett there, Alexander Burnett there, James

Dyra there, David Duncane in Inverrie, Alexander Ferquhair in Walkmilne, Duncane Thome there, Robert Boyes there, Thomas Thome there, Archibald Patersoun there, Alexander Burnett in Birkinbad, Michael Reith there, Alexander Smith in Hairistane, Alexander Smith in Cullonoch, Alexander Trunett in the Walkmyln, Alexander Jaffray in Hairistane, Robert Burnett, servant to Thomas Burnett in Braichinche, Thomas Burnett in Birkinbad, George Burnett, his son, Johnne Mowatt, piper, Williame Blakhall in Leyis, Johnne Duncane in Mineme, Alexander Ramsay in Bobrydie, George Scott, cobbler, James Douglas in Brigend, and Adam Blakhall in Leyis, in 300 merks each, that the provost, bailies, council and inhabitants of Abirdene, heritors of the salmon fishing upon the waters of Done and Dee between Kincairdin Oneill and Abirdene, and Johnne Irwing of Kingcoussy, keeper of the said fishing, shall be harmless of the said persons. Acta 1591–94.

Caution for Henry Robertson.

Caution in £100 by Johnne Robertsoun, portioner of Segy, for Henrie Robertsoun in Ovir Cragow, that Thomas Young in Ovir Cragow, Johnne Young, his son, there, and Johnne Broun there, shall be harmless of him, —the said Henrie, and Joseph Wallace, burgess of Edinburgh, and David Robertsoun in Nethir Cragow, becoming sureties in relief.

Edinburgh, 3rd June.

Caution for Bannatyne of Gairsay.

Caution for Gilbert Irving.

Caution in 300 merks by Michael Balfour of Monquhany and Johnne Caprintoun (Cavertoun) of Roisholme for Williame Bannatyne of Gairsay, that he will not harm Williame Halcro of Aikeris.

Caution in 200 merks by the said Michael Balfour and Johnne Caprintoun for Gilbert Irwing of Saba, that Patrik and James Irwing, sons of Williame Irwing of Forswall, Andro Voy in Saba, and Mawnis Miller there, shall be harmless of him.

Edinburgh, 5th June.[1]

Sederunt—REX; Dux Lennocie; Cancellarius; Hammiltoun; Angus; Mairshaell; Mortoun; Mar; Glencarne; Montrois; Spynie; Murdocairny; Neubottle; Clericus Justiciarie; Blantyre; Secretarius; Computorum Rotulator; Spott; Bas; Airth; Carmichael; Culluthy; Halhill; Elemosinarius.

To denounce Ross of Banagowan and others for having assisted the fugitive Earl Bothwell in the North.

"Anent oure Soverane Lordis letters direct makand mentioun: Forsamekle as his Majestie being credibillie informeit that Frances, sumtyme Erll Bothuill, his Hienes declairit tratour and rebell, eftir the mony odious and tressounable crymes committit be him aganis his Hienes propir persone Page 125.

[1] This was a day of no ordinary importance in the History of Scotland, for it was the date of what has been called the Magna Charta of Scottish Presbyterianism:—The Parliament which had been called some time ago, but had been postponed more than once, had met formally in Edinburgh on the 24th of May, and again on the 29th for the election of the Lords of the Articles. As nearly five years had elapsed since the last Parliament, there was much to be done,—and not least in Kirk matters, in which there had been such a growth lately of Presbyterian feeling and influence that the ecclesiastical enactments of the two preceding Parliaments of 1585 and 1587 (*ante*, p. 35 and p. 201, footnote) were acknowledged, even by lay politicians, to fall short of what prudent statesmanship required in the way of correction or abrogation of the vehement Anti-Presbyterian Acts of Chancel-

Acta 1591–94. and royale estate, and eftir publict inhibitioun maid that nane sould ressett, supplee, intercommoun or shaw him or his compliceis conforte or releiff, undir the pane of tressoun, nevirtheles Alexander Ros of Balnagowne,

lor Arran's Parliament of 1584 (vol. iii. p. 665). Accordingly, in a General Assembly of the Kirk which had met in Edinburgh on the 22nd of May, and which continued to sit till the Parliament rose, there was much anxiety as to what Parliament might do, with no little effort, by petitions and in interviews with the chief men, to sway it in the desired direction. Not till the 5th of June, however, when the Parliament did rise, having on that day passed as many as 181 Acts, public or private, were the Kirkmen aware of the vast extent of their success. "*Act for abolisheing of the Actis contrair the trew Religioun*" was the vague title of one of these 181 Acts, the most comprehensive and sweeping that had been yet passed by a Scottish Parliament in favour of the Presbyterian system (Acts of Parl. iii. 541,542). It ratified all previous Acts in favour of that system, rescinded and repealed all Acts of a popish tinge or capable of a popish construction still remaining in the Statute-book, expressly abrogated or explained away the Anti-Presbyterian Acts of Arran's Parliament of 1584, and guaranteed the future government of the Kirk for ever by the strict Presbyterian method of *General Assemblies* (to be held once a year, or oftener *pro re nata*), *Provincial Synods* (to be held twice a year), *District Presbyterial Courts*, and *Particular Kirk Sessions*. It embodied at least some of the proposals of the Second Book of Discipline (vol. iii. Introd. p. xxiv); and, though there were defects in it from the point of view of the perfect Presbyterian theory, *e.g.*, in a slight assertion of the Erastian principle by the provision that the appointment of the time and place of each next General Assembly should be in the hands of his Majesty or his Commissioner in the first place, and also in a retention of lay-patronage in livings,—yet even the most zealous Presbyterian historians represent it as perhaps the utmost that could have been achieved in the circumstances. The wonder is that such an Act was passed at all by King James and his Parliament. The unanimous explanation of the contemporary chroniclers is that Chancellor Maitland had resolved upon it as a necessary piece of statesmanship, and was able to push it through by arguments derived from the wretched and anarchical condition of the country at the time. The body of the slaughtered Earl of Moray was lying still unburied in Leith, and the cry for revenge for that and other acts of murder and lawlessness was growing louder and louder; attacks on the King and his mis-government or non-government were incessant, not only in sermons, but also in rhymes, songs, and popular pasquils; the rebel Earl Bothwell was zigzagging in arms over the country as he chose, not only defying capture, and meditating no one knew what wild new demonstration of his own, but drawing to him the sympathies of many who thought his revolutionary leadership better than nothing: how could the King save himself and recover popularity? Such are said to have been Maitland's arguments; but how effectual they had been was not known till the Parliament had actually risen and the great Act came out with the rest. "In deid," says James Melville in his *Autobiography* (p. 298) "the Kirk is addettit to Mr Jhone Mettellan, Chancellar for the tyme, for the sam, wha inducit the King to pas it at that tyme, for what respect I leave it to God, wha workes for the confort of his Kirk be all kynd of instruments, to whom thairfor be all praise and thankes for ever,"—Among the other Acts of the Parliament, all bearing the same date of June 5, 1592, were "*Ratificatioun of the proces of fairfaultour of Frances, sometyme Erle Bothwell,*" "*Againis Jesuites, Seminary Preistis, and thair Resettaris,*" "*Alteratioun of the mercat-days frome the Sabboth-day,*" "*For furthering of the Kingis commoditie be the mynis and metallis,*" "*For puneisment of the Ressettaris of tratouris and rebellis,*" "*For puneisment of masterfull beggairs and releif of the puir,*" &c. Many of the Acts were for rewards or ratification of rewards for recent services of important courtiers, among whom those who had been employed in the business of the King's marriage were not forgotten; and there was, of course, an Act reconstituting the King's Privy Council. By this Act (Acts iii. 562,563) the Council was to consist of the following three and thirty persons:—I. OFFICERS OF STATE: John, Lord Thirlstane, *Chancellor;* Walter, Commendator of Blantyre, *Keeper of the Privy Seal;* Sir Robert Melvill of Murdocairny, Knt, *Treasurer;* David Seton of Parbroth, *Comptroller;* Mr Robert Douglas, Provost of Lincluden, *Collector-General;* Alexander, Lord Spynie, *Vice-Chamberlain;* Sir George Hume of Primroknowes, Knt., *Master of the Wardrobe;* Sir James Melvill of Halhill, Knt.; Mr Peter Young of Seton, *Eleemosynar;* [Mark Kerr], *Master of Requests;* [Mr Richard Cockburne], *Secretary;* [Sir John Cockburne], *Justice-Clerk;* [Mr David MacGill], *Advocate;* [Mr Alexander

eldair, George Ros, his sone and appeirand air, and Nicolas Ros of Pitcalny, alswa sone to the said Alexander, eftir sindrie cruell murthouris, soirningis and depredationis of his Majesteis propir landis perpetrat and mantenit be thame, hes alswa interprisit the plane and oppin ressett of the said Frances, sumtyme Erll Bothuile, within thair houssis and boundis, and in convoying him to and fra Caithnes ouer the ferreis of Ardersier, Cromartie and Dornoch, specialie at the tyme quhen the said sumtyme Erll, returning south frome Caithnes, interprised that maist tressounable and wicked deid aganis his Hienes awne persone and the persone of the Quene, his darrest bed-fellow, be the surprising of the palice of Haliruidhous and slauchter of divers his Majesteis familiar servandis, committit upoun the xxvii day of December last bipast, and laitlie in this instant moneth of Maii quhen the said Erll the secund tyme returnit frome Caithnes to the south pairtis of this realme to perpetrat and interprise sum new wicked and tressounable deid; quhairthrow the saidis personis hes committit oppin and manifest tressoun, and aucht and sould be persewit and demanit as tratouris, in example of uthiris. And anent the charge gevin to the saidis George Ros of Balnagowne, Nicolas Ros of Pitcalny, Alexander Ros of Balnagowne, to have comperit personalie befoir the Kingis Majestie and Lordis of Secreit Counsall this day, viz., the fyft day of Junii instant, to have ansuerit upoun the saidis tressounable crymes as suspect and dilaited thairof, according to the liiii Act of Parliament of his Majesteis predicessour, King James the Secund of worthie memorie, undir the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and thay failyeit uthiris letters suld be direct *simpliciter* to putt thame thairto, lyke as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof; quhilkis being oftymes callit, and the saidis personis not compeirand, the Kingis Majestie and Lordis of Secreit Counsale ordanis letters to be direct to denounce thame rebellis etc., and to escheit etc." Acta 1591–94.

Caution for Leslie of Arknow.

Caution in 300 merks by Thomas Dempstair of Auchtirles for Williame Leslie, apparent of Arknow, that he shall answer before the Council upon 8th instant to a complaint of Patrik Leslie of the Kirktoun of Rathos.

Hay], *Clerk of Register.* II. NON-OFFICIAL MEMBERS:—(1) *Nobles:* Ludovic, Duke of Lennox; John, Lord Hamilton; William, Earl of Angus; David, Earl of Crawford; George, Earl Marischal; John, Earl of Montrose; John, Earl of Mar; William, Earl of Morton; Andrew, Earl of Rothes; James, Earl of Glencairn. (2) *Barons, Knights, and Gentlemen:* Sir John Gordon of Lochinvar; Sir Hugh Campbell of Terrinyean; Sir John Murray of Tullibardine; Colin Mackenzie of Kintail; Mr George Lauder of Bass; Sir Alexander Bruce of Airth; Mr David Carnegie of Colluthie; Sir John Carmichael of that Ilk; Alexander Hume of Northberwick. —These were not expected to be all in attendance at once; but there was to be a rotation of attendance according to rules. Seven was to be a necessary number for any matter of importance. The Council was to meet daily, should there be occasion, or otherwise by appointment, always from 8 a.m. till "dennertyme," and "na sitting to be at efternune." There was to be no alteration or augmentation of the Council till next Parliament; but the King might fill up vacancies by death or deprivation. Besides the Councillors, only Mr George Young and the Clerk of the Council were to have access to the Council Room, save that two representatives of the Clergy and two representives of the Burghs were to have admission when they should have anything to propose, or reason, or complain of, relating to the affairs of their constituents.

Acta 1591-94.

Sederunt—Ut in die predicto.

Holyrood-house, 6th June. Act anent signatures.

Order to the Treasurer not to pass or expede, without "his Majesteis expres command oute of his awne mouth," any signature or other gift subscribed or to be subscribed by his Highness "concerning ony landis [or] beneficeis quhilkis now ar becum in his Hienes handis be the sentence and dome of foirfaltour laitlie pronunceit aganis Frances, sumtmye Erll Bothuile, and uthiris his compliceis."

Band for Walter M°Kie and others.

Registration, by Alexander King, as procurator for the parties, of (1) Caution by Walter Dun of Raty for Walter M°Kie in Buchanestoun, James Roray there, Patrik M°Kie there, Johnne Andirsoun there, and Henrie M°Kie there, in 500 merks each, that they will not harm Alexander Abircrumby of Pitmedden. Subscribed at Banff and , 2nd June, before Alexander Stewart in Ryland, Alexander Ord in Denheid, Donald Wrycht in Banff,—Patrick Chalmer, notary public, subscribing for the said Walter Dun. (2) Caution to the same effect in 1000 merks by Johnne Leith, apparent of Hairthill, for George Leith in the Haltoun of Ardune. Subscribed at Abirdene, 4th June, before Patrik Jak, Johnne Robertsoun, elder in Chappeltoun, Johnne Robertsoun, "litstar," burgess of Abirdene, Archibald Nicolsoun, and Mr Andro Clerk, notary public, who subscribes for the said George Leith.

Band for George Leith.

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Holyrood-house, 7th June. Act in favour of Captain Wishart against the Estates of Holland and Zealand.

"Forsamekle as it is undirstand to the Kingis Majestie and Lordis of Secrete Counsale that sindrie inhabitantis of the town of Bommell in Gelder, undir the dominioun of the Esteatis of Holland and Zeland, being addebtit to , spous to Capitane Alexander Wisheart, in divers soumes of money, and for payment thairof ane ordinance being maid and sett doun be the saidis Esteatis, in the tyme of hir wedouheid, that the personis and guidis of the haill inhabitantis of the said toun sould be arreisted quhairevir they mycht be apprehendit, and remane undir stay and arreistment at hir instance ay and quhill sho wer compleitlie payit of the saidis debtis, and of all coistis, skaithis and expenssis to be sustenit be hir in the suteing thairof, scho and hir said spous, divers tymes sen the making of the said ordinance, hes cravit and desyrit the saidis Esteatis to caus putt the same ordinance to dew executioun in all pointis, conforme to the tennour thairof, aganis the saidis inhabitantis; quhilk the saidis Esteatis hes not onlie refused swa to do, bot uthirwayes to minister equall and indifferent justice in sindrie uthiris caussis persewit be the said Capitane and his said spous aganis divers uthiris personis, inhabitantis of the saidis cuntreyis of Holland and Zeland; at quhais instance, nochtwithstanding, the said Capitane and his said spous hes bene persewit, and a maist rigorous and extreme forme of proceding usit aganis thame be the same Esteatis, expres contrair all ressoun, equitie and gude conscience, and to thair grite hurte and prejudice, compelling thame in this respect in end to have recours to his Majestie and Lordis of Secrete Counsale and Sessioun for remeid: quhairof thay takand consideratioun, his Majestie,

with advise of the saidis Lordis, hes concludit and ordanit, and be thir presentis concludis and ordanis, that na proces nor forme of proceding salbe usit at the instance of the saidis Esteatis nor thair confederatis within the Law Cuntreyis foirsaidis, nor uthiris particulair personis quhatsumevir, inhabitantis within the samin, aganis the said Captain Alexander and his said spous, befoir quhatsumevir juge or jugeis, spirituall or temporall, within this realme, for ony caus of debt or uthir quhatsumevir, unto the tyme thai be compleitlie payit of all debtis and sowmes of money addebit unto thame, at the leist unto the tyme justice be indifferentlie ministrat in all actionis concerning thame, according to the lawis, practique and consuetude observit and keipit be the saidis Esteatis to all uthiris personis, and that his Majesteis be deulie certifeit thairof as appertenis; discharge-ing be thir presentis all his Hienes jugeis and ministeris of his lawis off all proceding in ony actionis and caussis, persewit or to be intentit and persewit be the saidis Esteatis and uthiris foirsaidis, aganis the said Capitane and his said spous in the meantyme, and of thair officeis in that pairt." Acta 1591–94.

Holyrood-house, 8th June.

Sederunt—Cancellarius; Mairshael; Montrois; Mar; Mortoun; Thesaurarius; Neubottle; Ormestoun; Secretarius; Computorum Rotulator; Clericus Registri; Carmichael; Elemosinarius; Bas; Culluthy; Halhill.

Proclamation against the Master of Gray and his brother Robert Gray, as denounced rebels for inter-communing with the Earl Bothwell.

Patrik, Master of Gray, having been "dilaitit to the King's Majestie" of intercommuning at different times with the sometime Earl Bothuile and his accomplices in their late treasonable conspiracy at Haliruidhous, but his Majesty "foirbeiring to giff credite to the said dilatioun," the said Master of Gray had been required to repair to his Highness upon a certain day past. As he had absented himself, "and thairthrow gaif the greitair pre-sumptioun of his giltynes, bot cheiflie be the lyke ressett and intercom-muning had with the said sumtyme Erll and his saidis compliceis be Robert Gray, bruthir to the said Maister, and Hew Broun, his servand, aganis the said Maisteris awne promeis maid of befoir to his Hienes selff, he haveing alswa dissemblit with his Majestie in sum thingis concerning the said Hew Broun," he had been charged to appear before the King and his Council at Perth to answer in this matter, under pain of rebellion; and, being still contumacious, "he wes at last upoun the day of Aprile last bipast ordourlie denunceit rebell and putt to the horne." Although he has remained unrelaxed from the horn, "yit, becaus he offerit to find caution sensyne for his compeirance befoir his Majestie at ane certane day bipast, as alswa to have depairtit and remanit furth of this realme during his Hienes will, his Majestie, of his awne clemencie, supersedit to use ony executioun aganis him." Now, however, his Majesty, "finding na sic appeirance as the performance of ony thing promissit or offerrit on his parte, bot a plane taking upoun him of the said tressounable cryme, and a professit and avowit rebellioun," ordains letters to be directed charging all

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the lieges by open proclamation at the market crosses of the head burghs not to reset or intercommune with the said Master, or with Robert Gray, his brother, both denounced rebels, but to shout and raise fray against them, under pain of treason.

Act appointing Royal Commissioners to assist the Commissioners of the General Assembly.

In respect that the General Assembly of the Kirk has directed commissioners, in "certane boundis limitat to thame, to travell and tak ordour in all thingis that may serve to the glorie of God and advancement of his trew religioun,—and in speciall to plant kirkis and ministeris quhair thai laik, with prisbitereis quhair thay may be convenientlie had; to tak diligent inquisitioun of papistis, jesuitis, and all sic as trafficquis and travellis in ony thing contrair the trew religioun publictlie professit be his Majestie and liegis of this realme, and ather putt ordour to thame, or uthirwayes, giff thai may nocht, to adjornay thame and charge thame to compeir befoir his Majestie and Secrete Counsale, that thai may be punist according to the lawis maid aganis sic personis; to see how the kirkis that ar decayit may be rapairit; to tak inquisitioun of the present estate of every particulair kirk, in quhais handis it is, and of the rent thairof present and of auld, and of all thingis that may sufficientlie informe the commissionaris depute be his Majestie; to tak ordour anent the particulair locall assignatioun of everie minister of his stipend, and quhatsumevir uther thing is directit in commissioun to the commissionaris of the Generall Assembly,"—his Majesty, "willing that the saidis commissionaris directit be the Generall Assembley sall not be dissobeyit, be avise of his Prevey Counsale, ordanis commissionis to be past undir his Hienes signett and subscriptioun of the Clerk of the Prevey Counsale contening a blank for names of noblemen, baronis, gentilmen, and magistratis of burrowis to be insert thairin at the chois and discretioun of the saidis commissionaris of the Generall Assembley, makand thame his Hienes justiceis and commissionaris in that parte to the effect undirwrittin, gevand, grantand and committand to thame full pouer, charge and authoritie to assist the saidis commissionaris of the Generall Assembley in executioun of the commissioun thairof grantit to thame in all the heidis and articlis thairof abonespecifeit, and to see that they be nocht dissobeyit; as alswa with pouer to thame to inquire the names suspectit and dilaitit of witchecraft, or seikand responssis or help of thame, and of all strang vagaboundis and idill beggaris, to examinat thame and committ thame to prisone, irnis or stokkis, and to caus prisonis, irnis and stokkis be maid to that effect at all placeis neidfull; to move the puir and impotent to be providit for within thair awne parrochynnis; to assist the commissioner or commissioneris of the General Assembley, and the prisbitereis, quhair thay ar wele constitute, in thair proceding to deprivatioun of all personis non-resident or unworthie that hes bene providit in title to beneficeis of cure undir prelaceis sen his Hienes coronatioun, according to the Actis of Parliament maid thairanent; and to that effect to call befoir thame be thair awne preceptis all personis neidfull to be callit, summound, inquirit, examinat upoun the heidis, pointis and

articlis foirsaidis or ony of thame, or to apprehend and putt in prisone sic as salbe thocht meit in the commoun prisone of the heid burgh of the shire or nixt burgh and place convenient"; court or courts to the effect abovespecified to hold assizes, to summon, choose and cause be sworn, and generally to do all other things necessary to the execution of the premisses. The said commissions shall endure till 1st November next, and farther till the said commissioners be altered or discharged. Acta 1591–94.

Caution for Lindsay of Covington and others.

Caution by James Lindsay of Barcloy for Johnne Lindsay of Covintoun in 500 merks, and for Thomas and Gawin Lindsayis, his sons, Barnard Lindsay in Grange, and Rolland Lindsay there, in 300 merks each, that they will not harm Williame Currie in Cormestoun.

Charge to MacDonald of Dunyveg and MacDonald of Sleat in conformity with an Act of the late Parliament.

Angus M^{c}Coneill of Dunnyveg and Glennis and Donald M^{c}Coneill Gorme of Slaitt, who had been in ward in the castle of Edinburgh,—"the said Angus haveing cum in his Hienes will and mercy, and the said Donald being in dangeir of his Majesteis lawis for divers heich offenssis and crymes committit aganis his Hienes and his authoritie,"—had been, of his Majesty's clemency, "lattin to libertie, upoun the entree of James M^{c}Coneill and Angus M^{c}Coneill, lauchfull sonis to the said Angus M^{c}Coneill of Dunnyveg, and Allaster Oig, sone to Archibald M^{c}Ynnes Elych of , in our Soverane Lordis warde of the castell of Edinburgh, as plegeis for the saidis Angus M^{c}Coneill and Donald M^{c}Coneill Gorme,"—the said Angus M^{c}Coneill of Dunnyveg, as principal, and the late Johnne Campbell of Caddell, as surety for him, becoming bound for the entry again of the said Angus in Edinburgh Castle at Lammas last, with provision always "that, howsone the said Angus suld re-entir, his saidis plegeis sould be relevit." Moreover, "his plegeis wer enterit to remane in warde ay and quhill the said Donald Gorme enterit Archibald M^{c}Coneill, baillie of North Ewist, and Allaster M^{c}Coneill, sone to Hucheoun M^{c}Coneill, baillie of Trouternes, plegeis for him for fulfilling of the conditionis of the said Act for his part," and the arrangement had been "that the saidis Angus and Donald sould re-entir thair personis agane in ward within the said castell of Edinburgh quhenevir thai or thair saidis plegeis sould be requirit thairto upoun xx dayis wairning," and should "keip trew warde, and on nawayes eschaip nor eshew quhill thai be fred and relevit." In case of failure in these conditions of the obligation, or in any of them, his Majesty was to "use and demayne the personis of the said Angus and Donald, or thair saidis plegeis, be death or uthirwayes, as his Hienes, with avise of his Counsale, sall think gude." All this and more was expressed in the act of obligation: "quhilk becaus the saidis Angus and Donald hes nawayes observit," it had just been declared and ordained by his Majesty and his Estates in the late Parliament (Acts of Parl. iii. 561, 562) that, "in cais the said Angus sall not personalie giff his obediens in presens of his Hienes or his Counsale betuix and the first day of August nixt to cum, accept the conditionis grantit to thame be his Hienes, and mak sufficient suirtie for thair obediens and thankfull pament of his Hienes rentis in tyme cuming," then it should be Page 128.

Acta 1591–94. lawful for his Majesty "to caus pronunce his will aganis the saidis Angus and Lauchlane, quhilk salbe the foirfaltour of thair landis and guidis, and to execute thair plegeis to the death, nochtwithstanding ony grace, pardoun and favour grantit to thame." It is now ordered, accordingly, that letters issue "chargeing the saidis Angus and Donald M°Coneill Gorme, for thame-selffis and Campbell, now of Caddell, sone and air of the said umquhile Johnne Campbell of Caddell, quha wes cautionair and souirtie for thame, personalie or at his duelling place, and his tutouris and curatouris, giff he ony hes," by proclamation at the market crosses of Invernes, Perth, Narne, Striviling, Dunbartane, Air and other places ("becaus thair is not *tutus accessus* to the duelling placeis of the saidis Angus and Donald"), to appear personally before the King and Council upon 13th July next, "and to mak thair personall obediens, accept the conditionis grantit to thame be his Hienes, and mak sufficient suirtie thairfoir, and for thankfull payment of his Hienes rentis of his propir landis in the Ilis possest be thame and thair freindis," with certification to them that, if they fail, his Highness "will declair his will aganis thame," and with order to the said Campbell, now of Caddell, and his tutors and curators, to entir the said Angus M°Coneill agane in the said castell upoun the said xiii day of Julii nixt to cum, undir the pane of rebellioun."

Order to the Comptroller to appoint chamberlains, one or more, to intromit with whatever remains unpaid of the mails, teinds, rents, and duties of the priory of Coldinghame and abbacy of Kelso for all years past, and therewith to pay to Sir Johnne Carmichael of that Ilk, captain of the guard, the sum of for the wages of the guard for the two months to come, counting from the date hereof,—his Majesty at the same time promising, on the word of a Prince, to pay to the said Sir Johnne, by the feast of Martinmas next, the sum of 6000 merks due for the wages of the said guard now in arrear.

Order providing means for payment of the wages of the King's guard.

Lauchlane M°Clayne of Dowart having been warded in the castle of Edinburgh "for divers heich offenssis committit aganis his Hienes and his authoritie," and having been released upon his faithful promise and obligation to enter Lauchlane M°Clayne, his eldest son, Johnne M°Clayne, eldest son of the captain of Carnyburgh, and Malcolme M°Clayne, eldest son of the captain of Arros, as pledges for him, and also to enter his own person again in ward within the said castle when required upon 20 days' warning, and the said Lauchlane not having kept his promise, it had been decerned in the late Parliament (Acts iii. 561, 562) that he should be required to give obedience before the 1st August next, under pain of forfeiture of life, lands and goods. Letters accordingly are to be directed charging the said Lauchlane, by open proclamation, to appear personally before the King and his Council upon 13th July next, and to find surety for the thankful payment of the King's "rentis of his propir landis in the Ilis possest be him and his freindis," in conformity with the said Act of Parliament.

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Charge to Lauchlan M°Lean of Dowart in conformity with an Act of the late Parliament.

Edinburgh, 9th June. Caution for Cochrane of Babachla.

Registration, by Mr Robert Lintoun, as procurator for the parties, of a band of caution in 1000 merks by Joseph Douglas of Pumpharstoun for James Cochrane of Babachla, that he will not harm David Dundas of Preistisinche. Subscribed at Ballangour, 8th May, before Mr Johnne Spottiswode, Johnne Johnnestoun, and Robert Stewart. Acta 1591–94.

Caution for James MacDougall.

Caution in £1000 by Johnne Ker, fiar of Corbett, for James M^cKdougall, brother of Thomas M^cDougall of Mackairstoun, that he will not harm the said Thomas.

Caution for the Earl of Argyle.

Caution in £10,000 by George Bucquhannane of that Ilk, and Johnne Levingstoun, apparent of Dunnypace, for Archibald, Earl of Ergyle, that he will not harm Campbell of Ardkinglas,—the said Earl, with consent of his curators, Johnne, Lord of Thirlstane, Duncane Campbell of Glenurquhy, Johnne, Earl of Mar, George, Earl Mairshael, and the said curators themselves, becoming sureties in relief.

Edinburgh, 10th June. Caution for Crichton of Ryhill.

Registration, by Mr Johnne Prestoun, as procurator for the surety, of a band of caution in £500 by Williame Bannatyne of Corhous for Robert Creichtoun of Ryhill, that he will not harm Elizabeth Creichtoun in Auchintagart. Subscribed at the Corhous, 8th June, before James Bannatyne, brother of the said Williame, and Johnne Hall, servant to the same. Page 130.

Edinburgh, 12th June. Caution for Mr James Lindsay and James Baillie.

Caution by Johnne Levingstoun of Belstane for Mr James Lindsay, commissary of Lanark, in 500 merks, and for James Baillie of Cormestoun in 300 merks, that they will not harm Williame Currie in Cormestoun.

Edinburgh, 14th June. Caution for Crawford of Kipbyres and his son.

Caution by James Craufurde of Kipbyris, as principal, and Johnne Blair of that Ilk, as surety for him, in £1000, and by the said James and Johnne for James Craufurde, son and apparent heir of the said James, in 1000 merks, that they will not harm Mathew Neulandis of Kippis,—John Andro subscribing for the said James Craufurde, elder.

Edinburgh, 15th June.

Sederunt—REX; Angus; Errole; Mar; Mortoun; Spynie; Murdocairny; Secretarius; Clericus Registri; Computorum Rotulator; Airth; Bas; Carmichael; Spott; Elimosinarius; Halhill.

Suspension of letters of horning against Gray of Dunynald and his son.

Complaint by Andro Gray of Dunnynauld, and Andro Gray, his son and apparent heir, as follows:—They are put to the horn by virtue of King's letters for non-appearance before the Privy Council to answer such things as should have been inquired of them. Now, the said letters are wrongously executed, because it is "notour to the haill cuntrey quhair thay duell" that the said Andro Gray, elder, at the time of the charge given to him and for a long time after, "wes lyand deidlie seik of the feveris, swa that he wes nocht able to travell on horse nor fute," and also because the said Andro Gray, younger, "accumpanyed with a testimoniall of the ministeris of Dundee, Logy, and Langforgound, and of a chirurgeane, testifeing the vehement seiknes and inhabilite of his said fader," had come

Acta 1591-94. Page 131.

to Edinburgh on the 15th of February last, the day appointed for their appearance, and had waited there three or four days for the calling of their case before the Council, when, "finding na appeirance of the convening of the Counsale, be ressoun of his Majesteis suddane depairtur frome the said burgh of Edinburgh, and that the maist parte of the Officiaris of the Estate remanit behind his Hienes," he had departed, "eftir that he had instrumentis befoir the Clerk of Counsale of his compeirance and reddynes to ansuer for himself and his said fader," and "lippynning assuiredlie that na thing sould have bene procedit aganis theme at courte quhill they had bene newlie wairnit." Nevertheless, "the pairty purchessair of the saidis chargeis aganis thame causit call thame at Glasgu in the verie meantyme quhen the said Andro wes attending at the said burgh of Edinburgh, and throw thair not-compeirance procured the saidis letters of hoirning." Not only are the letters unjust in the circumstances, but they were granted contrary to the Acts of Parliament and Secret Council, which bear that no charges shall be directed against any person to answer *super inquirendis* "bot the caussis and occasionis of thair calling to be particularlie insert in the letters." Still, "to justifie thair awne innocenceis of these thingis quhairwith maist unjustlie thay have bene calumpniat and misreportit of," the complainers have found caution to appear before the King and Council upon 10th instant to answer to any things to be laid to their charge. On these grounds they crave suspension of the said letters.—Charge had been given to Sir Robert Melvill of Murdocairny, treasurer, and Mr David M°Kgill of Cranstounriddell, advocate to the King, for his Majesty's interest, to appear and produce the said letters; and now, the said Andro Gray, younger, appearing personally, and producing a testimonial subscribed by the ministers of Langforgound and , dated June instant, certifying that his said father is "presentlie diseasit and unhable to travell," and the said Sir Robert also appearing personally, but the said Mr David failing to appear, the Lords of Secret Council do suspend the letters against the complainers, because they had been obtained "be sum particulair personis outwith Counsale, and without advise of the Lordis thairof, or knaulege of his Hienes thesaurair foirsaid (as wes declairit presentlie be himselff), na mentioun being maid thairin of ony caus or cryme for the quhilk they wer chargeit."

To denounce Duncan Nairn and others for not answering a charge of assault and abduction.

Complaint by Alexander, Master of Elphingstoun, as follows:—Duncane Narne in Kilmachlie, Johnne Narne, the "fluigair" ("fleggair") there, Johnne Strauchane there, Johnne M°Braben there, Donald M°Kiesoun there, Petir Narne, servitor to the said Duncane, Williame Narne in Tullochgorme, Thomas M°Kannashtson in Fynnertseir (Findressie), Petir Bane in Auchardragnye, Robert M°Kayne, servitor to Johnne Roy de Grant, James M°Kanye, his brother, George Baxter in Dalryoch, and Williame Narne there, with their armed accomplices, to the number of 40 persons, "come, upoun the xxvii day of Marche last, in the nicht, to the said complenaris landis and barony of Kindromie, and to the landis of

Balnabroduche, then occupiit by Thomas Narne, his tennent, and thair maist barbarouslie and cruellie, undir silence of nicht, brak up the said Thomas durris, tuke himselff, his wyffe, and haill servandis, dang and misusit thame, and band the maist pairt of thame with cordis, and not onlie spuilyeit and awaytuke the haill insicht, plennessing and movablis, being within the said house, bot revissed and tuke away with thame Margaret Narne, dochtir to the said Margaret, and hes usit sic soirning and oppressioun upoun the said complenair and his tennentis as the lyke hes sendle bene hard of in the incuntrey; quhairthrow the said complenaris saidis tennentis hes nather surtie of thair landis, lyveis nor guidis."—The Master of Elphingstoun appearing by David King, his procurator, the foresaid persons accused, for neither appearing nor producing the said Margaret as charged, are to be denounced rebels. Acta 1591-94. Page 132.

Proclamation in consequence of the death of Lord Scrope, warden of the English West March.

His Majesty being "credibillie certifeit of the deceis of umquhile Henry, Lord Scrope of Boltoun, Lord Wardane of the West Marche of England foiranent this realme, that sa lang hes continewit in that charge, and honnourablie and dewtifullie administrat the same, in justice and to the intertenyment of the gude amytie betuix baith the realmes," therefore, lest any of his subjects "wald tak occasioun heirupoun to mak brek and inquietatioun, to the disturbance of the peace and quietnes, or to molest and trouble the peceable and gude subjectis of ather realme, upoun hoip of impunitie," letters are to issue commanding the wardens of the West and Middle Marches to cause good rule to be kept within their bounds, so that there be no "attemptat" in England or against any of the King's own lieges,—the said Wardens and Keeper of Liddisdale to "do thair exact diligence" to apprehend offenders, commit them to prison, and deliver them to the English wardens, and also, if need be, to charge the masters and landlords of such offenders, "and thair souirteis, chiftanis and principallis of thair clannis and brancheis for quhome thair plegeis lyis," to enter them to justice.

Ordinance anent the next General Assembly of the Kirk.

"Forsamekle as the Kingis Majestie, with advise of his three Esteatis, in his Hienes lait Parliament, haldin at Edinburgh in the moneth of Junii instant, hes ratifeit and approvit the Generall Assembleis of the Kirk, and that it salbe lauchfull to the Kirk and Ministerie every yeir, anes at the leist and ofter as occasioun and necessitie sall require, to hald and keip Generall Assembleis, providing that his Majestie, or his commissionaris with thame to be appointit be his Hienes to be present at ilk generall assemblie befoir the dissolving thairof, nominat and appoint tyme and place quhen and quhair the nixt generall assemblie salbe haldin; and, in cais nather his Majestie nor his saidis commissionaris beis present for the tyme in that toun quhair the said Generall Assemblie beis haldin, then and in that cais it salbe lesum to the same Generall Assemblie be thameselffis to nominat and appoint tyme and place quhair the nixt Generall Assemblie salbe keipit and haldin, as thay have bene in use in tymes bipast, as in ane Act of the said Parliament maid heirupoun at mair lenth is contenit [1592, c. 8, iii. 541]: quhilk, in that parte thairof

Acta 1591–94. toucheing the appointing of the tyme and place quhen and quhair the nixt generall assemblie salbe haldin, hes not as yit tane effect, be ressoun the lait generall assembly, haldin in the verie tyme of the same Parliament, dissolvit befoir the publicatioun of the said Act and convening with thame of his Majesteis commissionaris according to the tennour of the same: Quhairof his Hienes haveand consideratioun, and that it is alwayes necessair that the generall assembleis salbe keipit everie yeir anes at the leist, and oftair as the necessitie sall require, hes thairfoir, according to the tennour of the said Act, appointit, and be thir presentis appointis, the nixt generall assemblie of the Kirk and Ministerie to be haldin at the burgh of upoun the day of ; quhairat his Majestie intendis, God willing, be himself or his commissionaris, to be present, to giff thair gude advise and to hald hand to the executioun of quhatsumevir thing quhilk, be uniforme and commoun consent, salbe concludit thairin, concerning the glorie of God, advancement of his trew religioun, of ecclesiasticall discipline, his Majesteis obediens, and commounwele and quietnes of his cuntrey, and forder to do and performe all utheris thingis quhilk, for his Majesteis part, is or salbe thocht necessair and requisite; and, thairfoir, ordanis letters to be direct to mak publicatioun heireof, be oppin proclamatioun at the mercat croceis of the heid burrowis of this realme, quhairthrow nane pretend ignorance of the same; as alswa to warne and require all and sindrie commissionaris ouer kirkis and dioceis, and utheris personis of the ministerie, to be present at the said Assembly appointit be his Hienes in maner foirsaid, to do and performe all thingis thairin quhilk be thame is requisite and necessair to be done, with intimatioun as efferis."

Page 133. To denounce John Gordon and others for not answering a charge of slaughter and spulzie.

Complaint by Williame King, sometime in Fosterhill, father, and Jonnett , relict, of Alexander King in Auchneir, as follows:— Johnne Gordoun, *alias* Toldow, Williame Gordoun, his brother, Williame Gordoun, son of Thomas Gordoun in Glennuk, Alexander Peddair, and certain others, their accomplices, to the number of 16 persons, having, "be instigatioun of certane the said complenaris unfreindis, consavit ane deidlie haitrent aganis thame and the said umquhile Alexander," had, upon the 27th of June last, come to the house of the said late Alexander, "quhair as twa of thame being ressavit in his hous as baneist men, haveing ressavit baith supporte of meit and silver in respect of thair allegeit povirtie, depairtit immediatlie thaireftir, and convocat togidder thair compliceis to the nowmer foirsaid, and come to the said Alexanderis house of sett purpois to have slane thame baith. And, the said Williame, be the provisioun of God, having eshaiped, the said Alexander, being aboute his awne hous in sobir maner, wes suddanelie unbesett be thame, and wes maist cruellie slane and murdreist, and his haill guidis and the said Williames reft and awaytane be thame, to the nowmer of fourescoir heid of nolt and twentie horssis and meiris, and sic sorte of soirning daylie used aganis the saidis complenaris that they ar nocht able to leave in the cuntrey, without his Majestie and his Prevey Counsale provyde remeid."

—The said Alexander (? Williame) King appearing personally, the offenders, for failing to appear, are to be denounced rebels. Acta 1591–94.

Edinburgh, 16th June. Caution for William Hamilton. Caution for the Lady Aiket.

Caution in 300 merks by James Afflek (Auchinlek) of Twedy for Williame Hammiltoun, son of Robert Hammiltoun of Dalserff, that he will not harm Robert, eldest brother of the said Williame.

Caution in 5000 merks by Hary Stewart of Cragyhall, and Robert Hammiltoun, apparent of Sillertounhill, for Dorathie Ros, Lady Aikett, that Alexander Cunynghame of Aikett, her spouse, or any other rebels at the horn for the slaughter of Hew, Earl of Eglintoun, shall not be reset within the fortalice of Aikett during their rebellion, and also that a discharge shall be delivered to Robert, Master of Eglintoun, of his intromission with the place and living of Aikett, by virtue of the Acts of Parliament and Council made thereanent, by 1st August next.

Edinburgh, 17th June. Lord Lindsay and Sandilands of Calder ordained to find surety.

Order to James, Lord Lindsay of the Byris, on the one part, and Sandielandis of Calder, on the other part, to find surety that they and all for whom they are answerable shall observe the King's peace to each other, the said Lord under a penalty of 10,000 merks and the said Laird in £5000,—the said surety to be found within 8 hours after this command, given at midday.

Edinburgh, 19th June. Caution for Newlands of Kips. Caution for Dunbar of Enterkin and others.

Caution in 1000 merks by George Hammiltoun of Prestoun for Matheu Neulandis of Kippis, that he will not harm James Craufurde of Kipbyris, or James Craufurde, his son and apparent heir.

Registration, by Mr Williame Oliphant, advocate, as procurator for the surety, of a band of caution by Hew Campbell of Terrinyeane for Dunbar, younger of Entirkin, in £1000, Johnne Campbell of Shankstoun, George Campbell, his son, Johnne Dalrumple of Stair, Allane Cathcart of Watterheid, Mungo Campbell of Cuppilshaw, and Williame Dunbar of Cloustang, in 1000 merks each, that they will not harm Daniel Cunynghame of Dalkeyth. Subscribed at the Sorne, 16th June, before George Campbell of Stevinsoun, James Campbell, his son, Mr Johnne Dunbar of Pollushe, David Dunbar, and W. M°Carrell. Page 134.

Edinburgh, 22nd June Caution for Lord Lindsay.

Caution by David Sibbauld of Lethem in £10,000 for James, Lord Lindsay of the Byris, that he will not harm Sandielandis of Calder.

Edinburgh, 23rd June. Protest by Alexander Gordon for himself and others.

Alexander Gordoun in Stanehous appearing, in presence of the Clerk of Register, for himself and as procurator for George Gordoun at the kirk of Fyvie, George Milne at the Newmylne of Geycht, Johnne Miln at the mill of Ardoch, Michael Diksoun in Gourdeis, Patrik Duncane, younger, in Commalyne, Thomas Cheyne in Litle Gourdeis, Williame Cheyne, son of the Goodman of Monkishill, Petir Litle, Williame Blak, servitors to the old Lady Geycht, and James Murray in Innercherny, and having presented a copy of the letters raised by Johnne Gordoun of Newtoun, and Johnne

Acta 1591–94. Gordoun, his son and apparent heir, of date 5th instant, charging him and the foresaid persons to appear this day to answer to a complaint of the said Johnne Gordoun and his son "tuicheing the making of convocatioun of his Hienes liegis in armes, and ejectioun of thair tennentis furth of thair landis of Commalynnis and Rammishill, and persute of thame be way of deid," upon 27th May last, protests, in respect that the day appointed for their appearance to answer to the said complaint was this day, "and not upoun ane Thurisday, being the ordinair day oulklie appointit be the lait Act of Parliament for decyding of sic caissis" (1592, c. 41, iii. 562), and in respect that "thair wes na Counsale to be convenit this day, swa that be the tennour of the same Act the dyet desertit of itselff," there shall be no farther proceedings by virtue of the said letters till he and the rest are newly warned; "quhilk protestatioun wes admittit."

Caution for Richard and John Verner.

Caution by Richard Vernour of Dalrymilnis, as one of the principals, and Thomas Vernour of Auchinduny, as surety for him, in £1000, and by the said Richard and Thomas for Johnne Vernour, son of the said Richard, in 1000 merks, that they will not harm Alexander Fairlie of Braid, —John Andro subscribing for the said Richard.

Edinburgh, 26th June. Caution for John and James Leslie.

Caution by Johnne Leslie of Brig (Brigtoun of Spay), as one of the principals, and Patrik Leslie of that Ilk, as surety for him, in 500 merks, and by the said Johnne and Patrik for James Leslie in Freefeild in 300 merks, that they will not harm Johnne Cuming of Ernesyde.

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Edinburgh, 27th June. Caution for Margaret Mure.

Caution by Mr Michael Cheisholme, burgess of Edinburgh, for Margaret Mure, relict of George Harbertsoun, burgess of Glasgu, that she shall not reset or intercommune with Mathew Hereot in Glasgu, who is at the horn for the slaughter of Ros.

Edinburgh, 28th June.[1] Caution for the inhabitants of Sanquhar.

Registration, by Mr Johnne Moncreif, advocate, as procurator for the surety, of a band of caution by Robert Dalzell, younger of that Ilk, in 1000

[1] This was the day of what was called *The Raid of Falkland, i.e.*, of another of the famous attempts of the irrepressible and ubiquitous Bothwell to seize the person of the King. It is thus described in Moysie's Memoirs:—"The King and Queinis Majestie remaining in Falkland in Junii 1592, upon the xxviii day, betwix ane and twa in the nicht, the said Erle Bothwell, having conspyred the apprehensioun of the Kingis persone that nicht, accompanied with 300 personis, persewit the palace thairof fra that tyme to vii houris in the morning; bot the King, with these about him, being forseine and advertisit be the watche, withdrew himselff to the tour of Falkland, quhilk they had furnischit with viveris, and schot furthe, and keipit the samyn without hurt. And swa the said Erle depairted with his companie west fra the said palace about vii houris in the morning; bot, his Majestie not being any number, and his horsses teane be Bothwell, he left of the folowing of thame. The gentlemen and haill inhabitantis of Fyffe come fast in hearing of this, and that Bothwell wes fled." That evening the King left Falkland Palace for Burntisland, on his way to Edinburgh; where for some time there was to be excited discussion over the new attempt of Bothwell, with inquiry as to his accomplices in it and their resetters. Spotswood says (p. 388) that he had been encouraged to the attempt by the Earls of Angus and Errol, the Master of Gray, Colonel Stewart, and the Lairds of Johnstone and Balwearie,—of whom Errol and Colonel Stewart were in the palace at the time.

merks, for the bailies, council and inhabitants of the town of Sanquhair, that they will not harm Robert Creichtoun of Ryhill. Subscribed at Sanquhair, 25th June, before James Dalzell, his brother, Edward Dalzell, his servant, Alexander Padyeane, son of Thomas Padyeane of Newtoun, Thomas Padyeane, his brother, Williame Creichtoun in Hill, and Johnne Creichtoun, notary. Acta 1591–94.

Caution for Archibald Herbertson.

Caution in 1000 merks by Archibald Harbertsoun, son of Neill Harbartsoun, as principal, and Robert Lindsay of Lintbank, as surety for him, that he will not harm Sir Williame Harbartsoun in Glasgu or George Huchesoun of Lambhill.

Edinburgh, 29th June. Caution for Robert Fleming and his spouse.

Caution by Patrik Cochrane, burgess of Edinburgh, for Robert Fleming burgess of Glasgu, and Margaret Baird, his spouse, that they shall not reset or intercommune with Mathew Hereot in Glasgu (*ante*, p. 761), under the pains in the letters raised against them.

Proclamation for pursuit of Bothwell and his accomplices in yesterday's attempt on the King's person in Falkland Palace.

Preamble runs thus :—"Forsamekle as the Kingis Majestie, our Soverane Lord, makand his residence quietlie within the palice of Falkland, hes bene recentlie assailyeit of new, and his lyffe socht, be Frances, sumtyme Erll Bothuile, and his compliceis, alreddy denunceit tratouris and rebellis, accumpanyed with uthiris conspyrit in the same tressoun togidder (as appeiris) of befoir, and assisted with a nowmer of thevis, alsweill Inglishe as Scottis, brocht in to herry and oppres the peaceable and gude subjectis of the incuntrey, quhilkis nochtwithstanding, prased be God, ar disapointit of thair tressounable and cruell intentis, and returnit within the boundis of the West Marche of this realme foiranent England, in hoip to eschew thair just deservit punishement": and the order is for letters to issue to charge all and sundry earls, lords, barons, feuars, freeholders, and substantious gentlemen, together with the inhabitants of burghs between sixty and sixteen years, and other fencibles, dwelling within the bounds of the shire of Edinburgh principal, the constabulary of Hadingtoun, and the shires of Lynlythqu and Striviling, by open proclamation at the market crosses of the head burghs of the same, to meet his Highness at Edinburgh upon Tuesday next, 4th July, "weill bodin in feir of weir, cheiflie with jakkis, speiris and hacquebutis," and with 20 days' provision; further, all earls and others foresaid dwelling within the shires of Beruick, Roxburgh, Selkirk, Peblis, Lanerk and Dunbartane to meet the King at Biggair upon Wednesday next, 5th July; and, lastly, all earls and others foresaid dwelling within the shires of Drumfreis, Wigtoun, Air, Renfrew, stewartries of Kirkcudbrycht and Annanderdale, and bailiaries of Kyle, Carrik and Cunynghame, to meet his Majesty at Drumfreis upon Friday next, 7th July,—"fra there to pas fordwart" as shall be directed for pursuit of the said traitors and thieves, and to remain in the service twenty days, under pain of loss of life, lands and goods. All exemptions "fra oistis, raidis and armeyis" are to be null. Page 136.

Caution for Cunningham and Scott.

Caution by James Forrett of Burrowfeild for Umphra Cunynghame, son of Williame Cunynghame, burgess of Glasgu, in 1000 merks, and for

Acta 1591-94. Johnne Scott, "lorymer" there, in 500 merks, that they will not harm Thomas Miln, chirurgeon, burgess there.

Edinburgh, 30th June. Charge to deliver up any of those concerned in Bothwell's attempt at Falkland that have been taken prisoners.

Inasmuch as "divers of the thevis and tratouris that laitlie assailyeit his Majesteis persone within his awne palice of Falkland, eftir thair grite spuilyie and heirshippis committit upoun the horsis and guidis of the faithfull and gude subjectis of this realme in thair shamefull flicht and returning hamewart, ar takin be the way in divers pairtis within the shereffdomis and burrowis of Lanerk and Peblis, quhais takaris will nawayes present thame to justice without thay be compellit," letters are ordered charging all who have taken any of the said traitors and thieves, by open proclamation at the market crosses of Peblis and Lanerk, to present them before the King and Council within 48 hours after the publication hereof, under pain of treason, with certification to all such of the lieges as shall "declair, reveill and mak manifest to his Majestie and his Counsale that ony of the saidis declairit tratouris, thevis or uthiris, that wer actuallie at the said tressounable attemptat at Falkland, hes bene takin as prisonaris, or utherwayes ressett or succourit in thair flicht and retrait," that their reward shall be half of the escheat of the lands and goods of the said traitors, "besydis his Majesteis speciall thankis."

Edinburgh, 1st July. Caution for John Herbertson and others.

Caution by Allane M°Caula of Ardincaple for Johnne Harbertsoun in Gallowgait, Johnne Harbertsoun, cooper, and Robert Bog, indwellers of Glasgu, in 1000 merks each, that they will not harm Sir Williame Harbertsoun in Glasgu or George Huchesoun of Lambhill.

Caution for George Burrell and others.

Caution by the said Allane M°Caula for George Burrell, saddler in Glasgow, Williame Hiegait, student in Glasgu, Robert Burrell, saddler there, Johnne Buntene and Johnne Bar, burgesses there, that they shall not reset or intercommune with Mathew Hereot (see *ante*, p. 761).

Page 137. Edinburgh, 2nd July. Caution for George Leith and others.

Caution by Robert Affiek, servant to Sir Robert Melvill of Murdocairny, treasurer, that the escheats of George Leith in the Haltoun of Ardune, Walter Mathie in Buchanstoun, James Roray there, Patrik Makie there, Johnne Andirsoun there, and Henry Makie there, shall be furthcoming to the Treasurer, in case the horning used against them by Alexander Abircrumby of Pitmedden "salbe foundin to be [orderly] procedit."

Caution for Archibald Herbertson.

Caution by David Calderwode, saddler, burgess of Edinburgh, that the escheat of Archibald Harbertsoun, son of Neill Harbartsoun, shall be furthcoming to the Treasurer, if the horning used against him by Sir Williame Harbertsoun and George Huchesoun shall be found regular.

Caution for William Heriot.

Caution by Richard Hereott, younger of Trabroun, for Williame Hereot, "baxter," burgess of Glasgu, that he shall not reset or intercommune with Mathew Hereot in Glasgu (see *ante*, p. 761).

Edinburgh, 3rd July. Caution for Gavin Graham.

Caution to the same effect by Mathew Stewart of Barscub for Gawin Grahame, citizen of Glasgu, and Jonnett Grahame, spouse of Johnne Scheillis.

Caution for Sir William Herbertson.

Caution to the same effect by Mr Michael Cheisholme, burgess of Edinburgh, for Sir Williame Harbertsoun. Acta 1591–94.

Caution for John MacNeil and John Stewart.

Registration, by Johnne Haliday, as procurator for the surety, of a band of caution by Johnne Stewart, sheriff of Bute, for Johnne M^{c}Neill of Kilmorie in 500 merks, and for Johnne Stewart of Macknoch in 300 merks, that they will not harm Johnne M^{c}Neving of Ardrosgedill. Subscribed at Rothesay, 29th June, before Alexander Stewart, "my bruther," Johnne Kelburne, Williame Stewart, and Thomas Stewart, "my servitouris."

Caution for George Barclay and others.

Registration, by Mr James Donnaldsoun, as procurator for the parties, of (1) Caution by Patrik Barclay of Towie for George Barclay, his brother, Andro Barclay, Johnne Barclay, Patrik Cantlie, James Innes, Robert Shand, his household servants, Williame Barclay in the mill of Segait, and Williame Barclay of Pitdoulsie, that Alexander Gordoun in Stanehous of Geycht shall be harmless of the said persons, under the pains contained in the letters raised against them. Subscribed at Towie, 29th June, before Johnne Barclay, Patrik Cantlie, Williame Taillior, Andro Barclay, and Alexander Lesk, notary. Page 138.

Caution for Patrick Barclay of Towie.

(2) Caution to the same effect by Williame Udny of that Ilk and Robert Innes of Elrik for "ane honnourable man," Patrik Barclay of Towy. Subscribed at Udnie, 29th June, before Johnne Barclay, Patrik Cantlie, Andro Barclay, servitors to the Laird of Towy, and Alexander Lesk, notary public.

Edinburgh, 4th July.

Caution for Maxwell of Cowhill.

Caution in 500 merks by Gilbert Greir (Greirstoun) of Berchane for Archibald Maxwell of Cowhill, that he shall appear before the Council upon 13th July and answer "tuicheing sic deidlie feidis as he hes entres in," and that his escheat shall be furthcoming to the Treasurer "in cais the hoirning used aganis the said Archibald for this effect salbe foundin ordourlie and lauchfullie procedit."

Caution for Fairlie of that Ilk and others.

Caution by Thomas Craufurde of Jordanehill for Robert Fairlie, fiar of that Ilk, in £1000, and for Williame Craufurde, his brother, and Williame Montgomerie of Stane, in £500 each, that they will not harm Johnne Fairlie in Langlandis, or Johnne Fairlie, his son.

Caution for Gordon of Newton and his son.

Caution by Sir George Ogilvie of Dunlugus for Johnne Gordoun of Newtoun, and James Gordoun, his son and apparent heir, in 2000 merks each, that they will not harm Alexander Gordoun in Stanehous.

Edinburgh, 5th July.

Caution for the Earl of Angus.

The King having, of his clemency and favour, "ordanit the letters of hoirning appointit to be direct aganis Williame, Erll of Angus, for his not compeirance personalie befoir his Hienes and his Prevey Counsale at ane certane day assignit to that effect, to be supersedit and unputt to executioun," and having also "grantit licence to him to remane in the cumpany and societie of Johnne, Erll of Montrois, ay and quhill his Majestie declair forder of his will and plesour towardis him," the Earl of Montrois now becomes bound that, while the Earl of Angus is in his company, "he sall nocht do nor attempt ony thing hurtfull or prejudiciall to his Majestie, the

Acta 1591–94. present estate, nor the religioun presentlie professit within this realme,' provided always that the said Earl of Montrois shall not be bound for the entry of the said Earl of Angus before the King, if that shall be required, nor for his remaining in his own company meanwhile, but only for "his gude behaviour during the same tyme of his remaning."

Page 139. Registration, by Mr Alexander King, as procurator for the surety, of a band of caution by Robert Fairlie, fiar of that Ilk, for Robert Craig in Fairlie-Crevoch, Alexander Mitchell there, Thomas Patoun there, Thomas Dunlop there, Williame Greg there, and Johnne Dunlop there, in 300 merks each, that Johnne Fairlie in Langlandis, and Johnne Fairlie, his son, shall be harmless of the said persons. Subscribed at Irwing, June 30th, before Williame Craufurde of Drumsoy, Williame Montgomerie, "my servitour," Johnne Mure and Johnne Neilsoun, notaries, burgesses of Irwing, and Thomas Montgomerie, messenger. Caution for Robert Craig and others.

Sederunt—Spynie; Thesaurarius; Clericus Registri; Advocatus; Bas; Airth; Halhill. Edinburgh, 6th July.

Sir James Scott of Balverie, Martine of Cardone, and James Lummisden of Airdrie, having failed to appear this day to answer concerning "the lait tressounable fact" committed by Bothwell at Falkland Palace, are to be denounced rebels. To denounce Scott of Balwearie and others.

Sederunt—Rex; Dux Lennocie; Cancellarius; Mar; Mortoun; Maxwell; Hume; Lindsay; Setoun; Clericus Justiciarie; Secretarius; Lochinvar; Spott; Carmichael. Dumfries, 8th July.[1]

The King and his Council understanding that Frances, sometime Earl Bothwell, and his accomplices, "gilty of the tressounable crymes attemptit againis his Hienes persone at his Majesteis palaceis of Haliruidhous and Falkland, have at all tymes, afoir and sen the committing of the same tressounable crymes, had thair ressett and refuge in divers pairtis of this realme: lyke as sindrie his Majesteis liegis hes had intercommoning and intelligence with thame be letters and messageis, and uthirwayes hes grantit thame meit, drink, house and harbory, ather within thair awne houssis or in the houssis and duellingis of thair freindis and tennentis, alwayes be thair direction and allowance, and swa hes fosterit and encourageit the said sumtyme Erll and his saidis compliceis in all thair tressounable and wicked deidis, expres contrair divers his Hienes proclamatioun maid heiranent, and in hie contemptioun of his Majestie, his authoritie and lawis": therefore proclamation is ordered assuring all persons who shall inform against such resetters of the foresaid, or intercommuners with them, since their foresaid crimes, or at any time hereafter, that they shall have for Promise of reward for discovering the resetters of the Earl Bothwell and his accomplices.

[1] The King's journey to Dumfries at this time was for the purpose of taking order with adherents of Bothwell among the western Borderers.

their reward the gift of the lands and livings of the offenders, besides his Majesty's "thankis and favour": and certifeing alswa all and sindrie personis quhilkis sall ressett and intercommoun with ony of the saidis declairit tratouris and thair compliceis heireftir, that thay in lyke maner salbe persewit with fyre and swerd, and all uther kynd of rigour and extremitie, in example of utheris." Acta 1591-94.

Edinburgh, 10th July. Caution for Gavin Wemyss and others.

Caution by Mr James Borthuik of Lochhill for Gawin Wemys of Unthank in £1000, and by the said Gawin for Johnne Traill of Blebo in 1000, and for Patrik and Thomas Traillis, his brothers, and Patrik Wemys, brother of the said Gawin, in £500 each, that they will not harm Jonnett Dudingstoun, relict of David Wemys of Unthank.

Caution for John Herbertson and others.

Caution by Thomas Petticrew, burgess of Glasgu, that the escheat of Johnne Harbertsoun in Gallowgait, Johnne Harbertsoun, cooper, and Robert Boig, indwellers in Glasgu, shall be furthcoming to the Treasurer, if the horning used against them by Sir Williame Harbertsoun in Glasgu and George Huchesoun in Lambhill shall be found "to be ordourlie procedit." Page 140.

Caution for James Hamiltoun and others.

Caution by Gawin Wemys of Unthank for James Hammiltoun, apparent of Rouchbank, David Betoun of Balfour, and David Betoun, his son, fiar thereof, in £1000 each, that they will not harm Jonnett Dudingstoun.

Caution for Alexander Godsman and others.

Registration, by Mr Johnne Dempstair, advocate, as procurator for the surety, of a band of caution by Johnne Ogilvy of Glassauch for Alexander Goddisman in Glessauch, Alexander Robertsoun in Craigmilne, Johnne Robertsoun there, Williame Troup in Dytach, Andro Hay in Glassauch, Williame Schairp there, Johnne and Williame Ogilvyis, sons to the said Johnne Ogilvy of Glassauch, and Johnne Wentoun in Glassauch, that they will not harm Alexander Abircrumby of Pitmedden, under the pains contained in the letters raised to that effect. Thomas Gray is appointed joint procurator with the said Mr Johnne Dempstair for registering the band; which is subscribed at Edinburgh, 10th July, before Johnne Ogilvy, younger, Robert Wilsoun, servant to Mr Robert Young, writer, Mr Johnne Dempstair, advocate, and George Tod.

Caution for Thomas Milne, chirurgeon.

Registration, by Mr Johnne Leirmonth, advocate, as procurator for the surety, of a band of caution in £500 by Johnne Stirling of Bankeir for Thomas Milne, chirurgeon, burgess of Glasgu, that he will not harm Johnne Scott, "lorymer," burgess there. Subscribed at Glasgu, 8th July, before Johnne Grahame, elder, burgess of Glasgu, Adam Fleming, servitor to the said Thomas, and Archibald Hiegait.

Caution for John Ogilvy of Glassauch.

Registration, by Mr Johnne Dempstair, advocate, as procurator for the surety, of a band of caution, by Sir George Ogilvy of Dunlugus for Johnne Ogilvy of Glassauch, to the same effect as in entry before last,—the same Thomas Gray being joint procurator for registering the obligation; which is subscribed at Edinburgh, 10th July, before Mr Alexander Steuart, Walter Dunbar, servitor to the said Sir George Ogilvy, Johnne Ogilvy, younger, son of the said Johnne Ogilvy, and Robert Wilsoun, servitor to Mr Robert Young.

Acta 1591–94.

Sederunt—REGE PRESENTE—Dux Lennocie; Cancellarius; Hammiltoun; Mar; Mortoun; Maxwell; Hume; Seytoun; Boyd; Spynie; Secretarius; Clericus Justiciarie; Lochinvar; Collector; Spott; Carmichaell; Northberwick. Dumfries, 11th July.

"Act in favouris of the Lord Maxwell."

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"The quhilk day, the Kingis Majestie, with advise of the Lordis of his Secreit Counsale, decernis and declairis be thir presentis that quhatsumevir thing salbe done presentlie or heireftir be his Majestie concerning the nominatioun and constitutioun of quhatsumevir persone to the office of wardanrie and justiciarie within the boundis of the West Marche of this realme, gift, dispositioun or assignatioun of ony feis, casualiteis or dewiteis for using thairof, furth of quhatsumevir parte within the boundis of the said wardanrie, that the samin nominatioun, constitutioun, gift, dispositioun, assignatioun or uther securiteis quhatsumevir, to be maid be his Hienes to the persone to be constitute wardane of the said West Marche, sall on nawayes prejuge the said Erllis (*sic*) richtis, titlis, infeftmentis and securiteis quhilkis he hes of his office of stewartrie of Kirkcudbricht and Annanderdale, lordship of Maxwell, or ony uthiris his officeis, previlegeis of regalitie and stewartrie, uthiris his previlegeis, commoditeis, casualiteis and dewiteis, or uthiris securiteis of quhatsumevir uthiris his landis quhairevir thay ly within ony parte of the boundis of the said wardanrie, bot that he sall brouk, posses, uptak the saidis feis and dewiteis, and brouke the saidis officeis in tyme cuming, conforme to his infeftmentis, takis and uthiris securiteis maid to him thairof, siclike and als frelie in all thingis as he or ony uthiris his predicessouris broukit or usit the same in ony tyme bigane preceding the date heirof; upoun the quhilk his Majesteis declaratioun maid in maner foirsaid the said Johnne, Erll of Mortoun, askit act and instrument."

Lord Maxwell, Earl of Morton, appointed warden of the West March.

The King having, with advice of his Council, appointed Johnne, Earl of Mortoun, Lord Maxwell, to the office of warden and justice of the West March, now demitted by Sir Johnne Carmichaell of that Ilk,—"be ressoun he is appointit capitane of his Hienes gaird, and ordanit to remane and attend upoun his Majesteis service for the bettir suretie of his persone and estate,"—proclamation accordingly is ordered at the market crosses of Drumfreis and other places needful, charging also the lieges to reverence and obey the said warden and his deputes "at all meitingis, wardane and justice courtis, and dayis of trew to be keipit be him heireftir," and otherwise to assist him in all things appertaining to his office.[1]

[1] Not only has Lord Maxwell been reappointed to his old office of Warden of the West March, but he has now reappeared, it will be observed, with his old title of Earl of Morton, which had been granted to him after the execution of Regent Morton in 1581 (vol. iii. p. 416), but which had been revoked in 1585 (vol. iii. p. 734). Since then the Earldom of Morton had been held by the late Earl of Angus, as nephew of the Regent; and, after his death in 1588, it had come to William Douglas of Lochleven, as next heir of entail. There were now, therefore, two persons about the King claiming the title,—William Douglas, and John, Lord Maxwell. In the Sederunt of this day, as in that of the 8th, they are entered next to each other, but distinguished as Morton and Maxwell; but in the Acts of this day and the next,

Morton as warden to see redress made for "bigane attemptatis."

Order to the said warden "to caus redres and satisfactioun be maid in guidis and geir to pairteis complenand for all attemptatis committit in tyme bigane, and to use the extremitie of the law aganis quhatsumevir personis, duelland within the boundis of the said wardanrie, quhilkis sall committ ony attemptatis in tyme cuming." Acta 1591-94.

Caution for Maxwell of Cowhill.

Caution in £1000 by George Maxwell of Drumcoutrane for Archibald Maxwell of Cowhill, that he and all for whom he is answerable shall keep the King's peace, that he shall enter himself and them to underlie the laws for all crimes that may be laid to their charge, and that he shall assist his Majesty or his commissioners in apprehending and pursuing rebels whenever required.

Act exonerating Sir John Carmichael in his discharge of the office of warden of the West March and in his intromission with the Castle of Lochmaben.

Sir Johnne Carmichaell of that Ilk having demitted his office of warden and justice of the West March, and having "cravit his Majesteis declaratioun anent the using of the said office in tyme bigane, as alswa ane sufficient exoneratioun and discharge thairof," including his intromission with the castle of Lochmaben, and the mails, marts, and duties belonging thereto, the King, with advice of his Council, declares that the said Sir Johnne has faithfully used the said office of warden, and exonerates him of the same for ever; and, farther, in respect of the said Sir Johnne's "confessioun maid presentlie, that he keipit the said castle of Lochmaben, intromettit with and uptuke the saidis mailles, casualiteis, and dewiteis appertening thairto, without ony lauchfull richt or title had to the same, except be his Majesteis speciall directioun, allowance and letters grantit be his Hienes and his Counsale to the same effect," his Majesty, with advice of his Council, and of Johnne, Earl of Mortoun, Lord Maxwell, "to quhome the undoubtit richt of the keiping of the said castell, and uptaking of the saidis mailles and dewiteis, appertenis," exonerates and discharges the said Sir Johnne and his heirs of all action, criminal or civil, which may be raised against them or any of them on that account for ever. Page 142.

Dumfries, 12th July. Act declaring that the designation of Earl of Morton applied in the last Acts to John, Lord Maxwell, shall not prejudice William, Earl of Morton, Lord Dalkeith.

"The Kingis Majestie, with advise of the Lordis of his Secreit Counsale, decernis and declairis be thir presentis that, albeit Johnne, Lord Maxwell, be nominat and styllit Erll of Mortoun in the lait act and ordinance of Secreit Counsale be the quhilk he wes constitute wardane of the West Marche of this realme, and in sindrie uthiris actis and ordinanceis laitlie maid concerning the advancement of his Hienes authoritie and service, yit the same nominatioun and style sall nawayes hurte nor prejuge the richtis and titlis quhilkis Williame Douglas, Erll of Mortoun, hes and pretendis to have as air of taillie to the erldome of Mortoun, nor yit impair him in honnour, styles, dignitie, pre-eminence and previlegeis quhilkis he hes and broukis, or may have, brouke and posses thairby, nather in the intrometting and uptaking of the mailles, fermes and dewiteis appertening thairto, bot that he sall brouke and posses the said erldome, intromett with the same

it will be seen, the designation of "Earl of Morton" is applied to both. There were to be consequences of this temporary rivalry or confusion.

Acta 1591–94. mailles and dewiteis and enjoy whatsumevir liberteis, honnouris, previlegeis, pre-eminenceis, digniteis and place in Parliamentis, Generall Conventionis, Secrete Counsale and uthirwayes, quhilkis he broukeit and possest befoir the nominatioun and style gevin to the said Johnne, Lord Maxwell, expressit in the foirsaidis actis and ordinanceis, als frelie as he used and enjoyit at ony tyme bigane preceding the date heirof, nochtwithstanding the same actis, and as gif thai had nevir bene maid nor grantit; and forder that the lait declaratioun and act maid be his Majestie in favouris of the said Johnne, Lord Maxwell (*ante*, p. 767), nor na claus thairin expressit, sall on nawayes hurte nor prejuge the said Williame, Erll of Mortoun, nor his richtis and titlis to the said erldome, previlegeis of regalitie, uthiris previlegeis, officeis, casualiteis and digniteis quhilkis he broukis and possessis, or may clame, brouke and posses thereby. Be it alwayes undirstand that thir presentis sall nawayes hinder nor prejuge the foirsaidis personis of ony actioun quhilk thay have or may have tuicheing the decisioun of ather of thair richtis and titlis pretendit be thame to the said erldome befoir the jugeis competent thairto as accordis of the law."

Caution for Johnston of Lockerbie.

Caution by Sir James Johnnestoun of Dunskellie for Mungo Johnnestoun of Locarbie, Johnne Johnnestoun of Cartertoun, Johnne Johnnestoun of Chappell, and Johnne Johnnestoun of Craigoburne, in 2000 merks each, that they shall enter in ward in the city of Sanctandrois within six days hereof, and remain there till his Majesty declare his will "tuicheing the ressett and intercommoning confessit had be thame" with Frances, sometime Earl Bothuill, and his accomplices.

Caution for Crichton of Ryhill.

Caution in 1000 merks by Robert Creichtoun of Ryhill, as principal, and George Shaw of Glenmure, as surety for him, that the bailies, council and inhabitants of Sanquhar shall be harmless of him,—the said Robert and Johnne Craufurd in Shaw becoming cautioners in relief.

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Edinburgh, 12th July. Caution for Archibald Hiegate and Mr Alexander Grahame.

Registration, by Mr Olipheir Colt, as procurator for the parties, of a band of caution by Johnne Stirling of Bankeir for Archibald Hiegait, son and heir of the late Williame Hiegait, burgess of Glasgu, and Mr Alexander Grahame, son of the late Johnne Grahame there, in 500 merks each, that they shall not reset or intercommune with Mathew Hereot during the time of his rebellion. Subscribed at Glasgu, 10th July, before Johnne Grahame and Gawin Grahame, brothers, burgesses of Glasgu, Robert Blair, notary, and Mr James Stirling, servitor to the Laird of Duntreith.

Peebles, 13th July. Warrant for demolishing the houses of Tinnis, Harden, and Dryhope.

Commission to Williame Stewart of Tracquair to demolish "with all convenient expeditioun" the place and houses of Tynneis, which belonged to James Stewart, sometime of Tynneis, and a like commission to Walter Scott of Gouldielandis and Mr Jedeon Murray for the houses and fortalices of Harden and Dryhoip, pertaining to Walter Scott of Harden, the said James Steuart and Walter Scott having been "arte and parte of the lait tressonabell fact perpetrat aganis his Hienes awne persone at Falkland."

Edinburgh, 13th July.

Sederunt—Comes Mariscalli; Thesaurarius; Neubottle; Bas; Airth; Clericus Registri; Computorum Rotulator; Halhill. Acta 1591–94.

To denounce Pennycuik of that Ilk and Acheson of Acheson's Haven.

Johnne Pennycuke of that Ilk and Mark Achiesoun of Achiesonn's Haven, having failed to appear this day, as charged, to answer touching their reset and intercommuning with Frances, sometime Earl Bothuile, and his accomplices, are to be denounced rebels.

Order to denounce Crichton of Cluny and others for non-appearance to answer a charge of assault and abduction.

Complaint by James Stirling of Feodallis, tutor dative to Marione Creichtoun, lawful daughter of the late Mr Robert Creichtoun of Eliok, his Majesty's advocate, and donator to the ward and nonentries of her fourth part of the lands of Eist Cragy, and of Hary Stirling of Ardoch for his interest, as follows:—The said James, "haveing the onlie richt to the keiping and educatioun of the said Marione," had sent her to the said Hary, his brother, "to have remanit with him this sommer seasoun for leirning of sic thingis as wer maist propir for ane barne of hir estate." He had done so "lippynning that nane sould have interruptit that hir verteous educatioun and upbringing." Nevertheless, Robert Creichtoun of Cluny, Patrik Grahame of Inchebraky, Williame Steuart, brother to the Lord Innermeith, Walter Rollok, tutor of Duncrub, Andro Ramsay in Strathy, and Gawin Dalzell, brother to the Laird of Dalzell, with convocation of the lieges to the number of 40 horsemen or thereby, "all bodin in feir of weir," came, "undir cloude and silence of nicht," on the 29th of June last, to the said Henry's dwelling house of Ardoch, "quhair he and his familie wer in peceable and quiet maner for the tyme in thair beddis, taking the nichtis rest"; and, "haveing clum in ouer the wallis of his hous, finding the durris and yettis of his hous to be lokked, swa that thai could not gett entres, and perceaving that be force and violence thay could nocht cum to thair intent, thay then shouted and cryed, allegeing that the Erll Bothuile wes within his hous, and that thay had pouer and commissioun to tak him, calling the said complenair ane tratour, with mony utheris injurious and uncumelie speicheis that ar unworthie to be rehersit in his Hienes audience. Quhairupoun the said Henry causit the haill durris and yettis of his said hous to be oppynnit to thame; quha entering thairin, thay first maist shamefullie and unhonnestlie misusit the said Haryis wyffe, being grite with bairne for the tyme, dang and harlit hir up and doun at thair plesure, quhairthrou sho shortlie thaireftir pairtit with barne; and then, undir pretens of seiking of the Erll, thair being na sic thing in thair myndis, thay socht the said Marione Creichtoun, and, haveing found hir, violentlie caryed hir away with thame to sic pairtis as thay think gude, and reft and awaytuke with thame ane grite parte of the said Henryis movablis, intending, as appeiris, to attempt sum injurie aganis the said Marione, seing the said Robert will succeid to hir in cais of hir deceis, or ellis to move hir to joyne hirselff in mariage with sum personis nawayes aggreable unto hir."—Charge had been given to the accused to appear this day and bring with them the said Marione, for restoration to the said James, "to be keipit and educat be him unto hir lauchfull and

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Acta 1591–94. perfyte age"; and now, the said James appearing for himself and his said brother, the said defenders, for not appearing, are to be denounced rebels.

Caution in 500 merks by Richard Hereot, younger of Trabroun, for Johnne Stewart of Roisland, that he shall not reset or intercommune with Mathew Hereot, at the horn for the slaughter of Andro Ros. Caution for John Stewart of Rosland.

Caution in £500 by Johnne Bonair, portioner of Auchtirmuchtie, for Williame Bonair of Rossie, that he will not harm Patrik Lindsay of Kilquhis. Caution for Bonar of Rossie.

Registration, by Mr James Donnaldsoun, as procurator for the parties, of a band of caution in 500 merks by David Donnald, burgess of Glasgu, for Johnne Galbraith, burgess there, that he shall not reset or intercommune with the said Mathew Hereot. Subscribed at Glasgu 11th July, before Williame Quhytlaw, maltman, Andro Scott, cordiner, burgesses of Glasgu, and Mathew Wilsoun, cook,—George Huchesoun, notary public, subscribing for the said David Donnald. Caution for John Galbraith.

Page 145. Caution in £100 by Alexander Tod in Elbottle for Michael Tod in Dirltoun, that he shall make "sic satisfactioun for amendis of ony injurie done be him" to Mr Thomas M^cGhie, minister, as the Council or presbyteries of Edinburgh and Hadingtoun shall prescribe. Edinburgh, 14th July. Caution for Michael Tod.

Caution in 500 merks by Charlis Bannatyne of Knowisclecclone for Johnne M^cNeving in Ovir Ardroskaten, that he will not harm Johnne M^cNeill of Kilmorie. Edinburgh, 18th July. Caution for John M^cNiven.

Caution by Johnne Cuming, younger of Ernisyde, for Alexander Cuming of Ernissyde and Williame Suthirland of Duffus, in 1000 merks each, for Archibald Douglas of Pittindreich in £600, and for George Cuming, Normond Cuming, and Thomas Cuming, sons of James Cuming in Bannabreich, Adam Cuming, Alexander Cuming, James Cuming, Alexander Cuming, and James Cuming, brothers to the said Johnne Cuming of Ernissyde, James Cuming in Barnhogartie, Johnne Cuming in Daynishe, Adam Cuming and Johnne Cuming, sons of Robert Cuming in Logy, Robert Cuming in Logy, Robert Geddes, Williame Gibsone, Johnne Gibsone, Johnne Annand, Alexander Annand, his son, George Cuming, Alexander Boyne, James Petrie, burgesses of Elgin, in 300 merks each, that they will not harm Johnne Leslie of Boig. Caution for Alexander Cumming of Ernside and others.

Caution by Johnne Cuming of Ernesyde, younger, as principal, and Alexander Duff of Terrisoule, as surety for him, in 1000 merks, and by the said Johnne for James Cuming in Bannabreich in 300 merks, that they will not harm Johnne Leslie of the Boig. Caution for John Cumming and James Cumming.

Sederunt—Cancellarius; Neubottle; Murdocairny; Computorum Rotulator; Clericus Registri; Collector; Bas; Halhill. Edinburgh, 20th July.

Complaint by Andro Semple in Burne and Johnne Semple in Eist Quarter, as follows:—The said Andro having been in May last dismembered of a

Andrew and John Semple against Lord Hamilton and others.

finger of his hand, and the said Johnne wounded in his head and other parts of his body, by Gilbert Allane in Aryboig, George Allane, his brother, Thomas Allane in , and Coline Fairlie in Glasfurde, they had raised letters against these persons for their appearance before the justice to underlie the laws for the said crimes. "And, the xvi day of Junii being appointed to that effect, the saidis complenaris luiked to have ressavit justice, and that nathing sould have bene procured to the stay or hinder thairof." Nevertheless, "thair wes not onlie ane command purchest of his Majestie to desert or continew the said dyet, bot lykwayes ane commissioun of justiciarie wes purchest to Johnne, Lord Hammiltoun, or to Sir Johnne Hammiltoun of Lettrik, knicht, his sone naturall, and Robert Raa in Hammiltoun, for trying and doing of justice in the said mater; quhilk commissioun can nawayes be propir in the persone of the said Lord, nor the uthiris personis foirsaidis nominat justiceis thairin, becaus it is of veritie that the said Gilbert Allane and his compliceis foirsaidis ar men, tennentis and servandis to the said Lord Hammiltoun, and duellis upoun his propir landis; lyke as he takis upoun him the defens and mantenance of the saidis personis in this actioun, promissing and declairing be his handwrite to be pairtie and assist thame aganis the saidis complenaris; for quhilk purpois he directed the said Schir Johnne Hammiltoun, his sone, accumpanyed with certane of his servandis, to the burgh of Edinburgh to accumpany the saidis personis; lyke as the said Schir Johnne accumpanyed thame to the bar and procured the said discharge or continewatioun, as alswa the said commissioun to be past, purpoislie to the stay and hinder of justice, and disapointing of the saidis complenaris of the dew executioun of his Hienes lawis, seing be the said commissioun thay ar baith jugeis and pairty to the saidis complenaris, and will not faill to acquite and clenge thame of the haill pointis [that] may be layed to thair charge."—Charge had been given to the said Johnne, Lord Hammiltoun, Sir Johnne Hammiltoun, and Robert Raa to appear and answer; and now, the pursuers appearing personally, but the defenders above written failing to appear, the Lords declare the foresaid commission to "have bene purchest to the stay and hinder of justice," and therefore to be null, and ordain the justice, justice clerk, or his deputes to "direct letters for calling of the foirsaidis personis to undirly the lawis at ane particulair day for the saidis crymes, and at the samin day to proceid and minister justice," according to law. Accordingly, the Lords discharge Lord Hammiltoun, Sir Johnne Hammiltoun, and Robert Raa from putting the said persons to the knowledge of an assize for the said crimes, (1) because the said defenders have disobeyed the summons to appear, and (2) because the said Lord, by his letter, dated at Edinburgh, 27th May last, to Quintene Kennedy and Thomas Hinshaw, his servants, "commandit thame to desire the saidis pairteis in his name to grant ane assuirance to ane certane day that he or sic freindis as he sould appoint micht travell for concord amangis thame, uthirwayes he wald tak the mantenance of his awne servandis, and shaw himselff as pairty in this mater."

Acta 1591-94.

Page 146.

Acta 1591–94. Walter Scott of Hardenis, having failed to appear this day and answer touching the late treasonable attempt at Falkland, is to be denounced rebel. To denounce Scott of Harden.

Caution in 500 merks by George Buquhannane of that Ilk for Allaster M°Caslane in Glasgu, that he shall not reset or intercommune with the rebel Mathew Hereot in Glasgu, and that his goods and gear shall be furthcoming to the Treasurer in case the horning led against him shall be found to have been lawfully used. Edinburgh, 21st July. Caution for Allaster M°Caslane.

Page 147. Registration, by Mr Henry Balfour, advocate, as procurator for the surety, of a band of caution by Johnne Huchesoun, younger of Kenmure, for Adam Fleming and Johnne Hall, servitors to Thomas Miln, chirurgeon, in 200 merks each, that they will not harm Johnne Scott, "lorymer," burgess of Glasgu,—the said servitors, and Miln, and Robert Fleming, burgess of Glasgu, becoming cautioners in relief. Subscribed at Glasgu 19th July, before Archibald Boyd, Archibald Hiegaitt, and Mr James Stirling. Caution for Adam Fleming and John Hall.

Caution by James Guthrie of Eister Bannabreich for Henry Guthrie of Deansyde in £1000, and for Henry and Niniane Guthreis, his sons, and Robert Guthrie, his son natural, in 500 merks each, that James Finlawsoun, elder, burgess of Dundee, James Finlawsoun, younger, there, Alexander Butchart in Deansyde, Alexander Kid, Walter Stalkaris, and Hector Miln, shall be harmless of them,—the said Henry Guthrie, captain David Boiswell, and Mr Patrik Lindsay, minister and provost of Guthrie, becoming cautioners in relief. Edinburgh, 22nd July. Caution for Henry Guthrie and his sons.

Registration, by James Stirling, advocate, as procurator for the parties, of:—(1) Caution by Alexander Foster of Garden for Johnne and Alexander Fosteris, his sons, and Johnne Foster, his brother, in £1000 each, and for Johnne Callender, his tenant, in 500 merks, that they will not harm Johnne Drummond, son of Sir Robert Drummond of Carnok (see *ante*, p. 321). Subscribed at Torwode, 21st July, before Robert Erskin, Robert Foster, brother of Alexander Foster of Garden, and Johnne Lawsoun, servitor to the said Alexander,—John Layng, notary public, subscribing for the said Callender. (2) Caution in £2000 by David Foster of Logy for Alexander Foster of Garden, that he will not harm the said Johnne Drummond, and also that the said Alexander shall find surety to the same effect for Allaster Foster, under the said penalty. Subscribed at Stirling, 21st July, before Robert Erskin, Johnne Lausoun, and Robert Foster. Caution for John Forrester and others. Caution for Forrester of Garden.

Page 148. Complaint by the ministers of the presbytery of Drumfreis, as follows:— Mr Gilbert Broun, sometime Commendator of Newabbay, "haveing thir mony yeiris bigane not onlie professit himselff ane adversair to the trew religioun establissit within this realme, bot uthirwayes, be ressoning and dispersing of buikis and letters amangis the simple and ignorant people, haveing seduceit and perswadit ane grite noumer of thame to his damnable opinioun, not forbeiring to appoint trystis and metingis with thame at sic Edinburgh, 27th July. Ministry of Dumfries against Mr Gilbert Brown for his obstinacy as a Papist.

placeis as he thocht convenient, and to say mes and use sic uther ceremoneis as ar damnit be the lawis and constitutionis of this realme," had been at last "callit for the same befoir the Justice and his deputis; quha, taking the cryme upoun him, absentit himself and wes fugitive, and thairfoir he wes denunceit rebell and putt to the horn, quhairat he remanit maist contempnandlie ane lang space, quhill that certane personis of his awne sect purchest ane letter, undir his Hienes subscriptioun and signett, relaxand the said Maister Gilbert *simpliciter* fra the said proces of horne; quhilk letter wes previlie and surreptitouslie purchest and stollin of his Majestie without his Hienes previtie, knaulege or allowance, and is expres contrair the tennour of the Actis of Parliament and Secreit Counsale, beiring that na sic prevey letters salbe direct without sufficient tryale or cognitioun preceding. And trew it is that thair hes bene na tryale tane in this mater, seing as yit the said Maister Gilbert remanis obstinat, refuseing to subscrive the articlis of religioun, and to conforme himselff to the discipline and exercise of the Kirk, as alswa continewis in seduceing his Hienes subjectis to his opinioun, and in saying and heiring of mes quhen he may have the commoditie, to the dishonnour of God, sklender of the Kirk, and in hie and proude contemptioun of his Hienes authoritie and lawis."—The ministry of the said presbytery appearing by James Harvy, their procurator, but the said Mr Gilbert not appearing as charged, the King, with advice of his Council, decerns the foresaid letters of relaxation to have been privily and illegally obtained, and therefore to be and to have been null, and ordains the said letters of horning to be put to farther execution in all points against the said Mr Gilbert. Acta 1591–94.

Band for Thomas Bruce.

Registration, by Mr Johnne Moncreiff, as procurator for the surety, of a band of caution in 300 merks by Alexander Abircrumby of Pitmedden for Thomas Bruce in , that he will not harm Johnne Ogilvy of Glassauch, and also that the escheat of the said Thomas shall be furthcoming to the Treasurer in case he shall be found to have been orderly put to the horn. Subscribed at Westhall 23rd July, before Williame Urquhart, "my servand," Johnne Gordoun of Muraik, and Alexander Gawin.

ADDITIONAL ACTS OF CAUTION.

A.D. 1591–1592.

ADDITIONAL ACTS OF CAUTION.

Act. Caut. Sep. 1591-Aug. 1616, Fol 1, a.

Falkland, 6th Sept. 1591. Caution for Lord Ogilvy, his son, and others.

Caution by David, Earl of Craufurde, in £10,000, for James, Lord Ogilvy, and by David Gardin of that Ilk and David Lindsay of Barneyairdis in £3000 for George Ogilvy, son of the said Lord, in £300 for Johnne Ogilvy in Innerqueich, in £300 for James Irnis, in £50 for Williame Fuithe at the Mylne of Joyce, in £300 for George Spalding of the Grang, in £40 for James Cluny, in £50 for Johnne Bruce, in £300 for George Spalding, and in £50 for Thomas (? and William) Blair at the Kirk of Kincowden, that they shall answer before the King and Council upon 1st October next to a complaint against them by the wives, bairns, and remanent kin of the late Robert Campbell in Mylnehorne, Williame Campbell of Sowterhous, Thomas Campbell, portioner of Kelhik, and Johnne Campbell in Muretoun, "tuiching the slauchter of the saidis umquhile personis and utheris crymes contenit in the letters direct thairanent"; also that the said Lord and the other principals foresaid shall not reset or intercommune with James, Master of Ogilvy, Johnne Ogilvy of Craig, James Ogilvy of Balfour, Olipher Ogilvy, his brother, Olipher Ogilvy, his servant, James Stewart, brother of the Lord Innermaith, William Stewart, also his brother, Alexander Ruthven, son of the Laird of Bandane, Archibaid Ogilvy, son of Johnne Ogilvy in Innerqueith, George Ogilvy, his son also, Johne Irnis, son of James Irnis in Kinclone, Thomas Masoun, Thomas Bruce in Pargowie, and Johne Gibson in Tilnitclay, "denuncet rebels and at the horne for the said cryme, during the tyme of thair rebellioun."

Fol. 1, b.

Perth, 16th Sept. 1591. Caution for Robert Mure of Caldwell.

Caution by Robert Mure of Cauldwell, as principal, and Neill Montgomerie of Langshaw, James Mowat of Busbie, Hew Ralstoun of that Ilk, Gawin Ralstoun, his son, fiar of that Ilk, Gabriell Logane, younger of the Rais, Hew Montgomerie of Braidstone, James Mure of Thorntoun, Johnne Montgomerie of Scottistoun, and Robert Symple of Craigbaith, as sureties for him, that the said Robert shall enter himself heir to his father or goodsire in the lands of Knokmaidis and Dunnyflattis, Nathertoun, and Polok, and fifth part, "ather be the Kingis Majestie or a precept of clare constat," and shall thereafter infeft Helen Hammiltoun, his daughter-in-law, in the said lands in liferent, conform to the contract of marriage passed between the said principal,—who is acting for the late Johnne Mure, his son,—on the one part, and George Hammiltoun of Prestoun, acting for the said Helen on the other side,—between this date and 4th November next.

Caution in 1000 merks by the said Robert Mure, as principal, and

Caution for the same.

Neill Montgomerie of Langshaw, James Mowat of Busbie, and Gabriell Logane, younger of the Rais, as sureties for him, that he shall warrant the lands set by him in feu to the whole tenants of the lands of Kittoksyde, in the parish of Kilbryde and shire of Lanerk, conform to the contracts passed between him and them thereanent; also that he will not harm the said tenants in their bodies or goods.

Edinburgh, 25th July 1592. Caution for Elizabeth Crichton.

Caution in 500 merks by Mungo Levingstoun of Columbie for Elizabeth Creichtoun, relict of James Lindsay of Auchintagart, that she will not harm Robert Creichtoun of Ryhill. Act. Caut. July 1592-Feb. 1595. Fol. 1, a.

Edinburgh, 26th July. Caution for Adam Fleming and John Hall.

Caution by Williame Fleming, provost of Biggair, and Williame Fleming, burgess of Edinburgh, that the escheat of Adam Fleming and Johnne Hall, servants to Thomas Miln, chirurgeon, burgess of Glasgu, shall be furthcoming to the Treasurer, in case the horning raised against him at the instance of Johnne Scott, "lorymer" in Glasgu, for not finding caution for his indemnity, shall be found to be lawfully used (see *ante*, p. 773).

Caution for Elizabeth Crichton.

Caution by Johnne Lindsay of Covintoun and Mungo Levingstoun in Columbie that the escheat of Margaret Creichtoun, relict of James Lindsay of Auchintagart, shall be furthcoming to the Treasurer, in case the horning used against her at the instance of Robert Creichtoun of Ryhill, for not finding law surety, shall be found to be lawfully used.

Caution for John Gilchrist.

Caution in 300 merks by Williame Wallace, younger of Johnnestoun, for Johnne Gilchrist of Sandiefurde, that he will not harm Mr Gabriel Maxwell, minister at Inchynnane, his tenants or servants. Fol. 1, b.

Edinburgh, 28th July. Caution for Forbes of Monymusk.

Caution in £1000 by Williame Forbes of Monymusk, as principal, and Mr Duncan Forbes of Arneidlie, as surety for him, that he will not harm Williame Forbes of Fornet, James Hendirsoun there, Alexander Patersoun in Mekle Todlauchie, James Wilsoun there, James and Henry Cushnyis there, Matheu Gray or David Wynons there.

ORDINANCES AND ACTS RELATING TO THE BORDERS AND THE NORTH.

A.D. 1590–1592.

THE BORDERS AND THE NORTH.

Acta penes Marchiarum, etc., ordinem.

[The matter that follows under this heading is from a manuscript folio volume bearing, on the fly-leaf at the beginning, in a hand of the period, the title:—"LIBER ACTORUM PENES HYBERNIÆ, INSULARUM, AC MARCIARUM REGNI ORDINEM." For an account of the volume and the circumstances of its origin see Introduction, pp. liii.–lvi. As there explained, it commences with a transcript of the Act of Parliament of July 1587, "*For the quieting and keping in obedience of the disorderit subjectis inhabitantis of the Bordouris, Hielandis, and Ilis*," and of two rolls of names appended to that Act. For the Act itself see the Printed Acts, vol. iii. pp. 461–465. The rolls of names, though also there printed, may be here reprinted, on account of some minute differences, and for convenience in connection with a larger list of names, hitherto unprinted, which has to follow].

"The Roll of the names of the Landislordis and Baillies of the landis duelland on the Bordouris and in the Hielandis quhair broken men hes duelt and presentlie duellis."

Roll of Landlords on the Borders and in the Highlands and Isles.

Fol. 5, b. BORDERS:—*Middle March:* Earl Bothuile; Laird of Phairnyhirst; Earl of Angus; Laird of Bukcleuch; Sheriff of Teviotdale; Laird of Bedroule; Laird of Mynto; Laird of Wauchop; Lord Hereis; Laird of Howpaislott; George Turneble of Halroule; Laird of Littleden; Laird of Drumlangrig; Laird of Chesholme. *West March:* Lord Maxwell; Laird of Drumlangrig; Laird of Johnnstoun; Laird of Apilgirth; Laird of Holmendis; Laird of Graitnay; Lord Hereis; Laird of Dynwyddie; Laird of Lochinvar.

Fol. 6, a. HIGHLANDS AND ISLES:—Duke of Lennox; Laird of Buchannane; Laird Makfarlan of Arroquhar; Laird of Lus; Laird of M^{c}Cawlay; Laird of Ardincapill; Laird of Marchinstoun; Laird of Glennegeis; Earl of Glencarne; Lairds of Drumquhassill and Kilcreuch; Tutor of Menteith; Earl of Menteith; Laird of Knokhill; Hary Schaw of Cambusmore; Lairds of Kippanros, Burley, and Keir; Master of Levingstoun; Lords Downe and Drummond; Lairds of Tullybardin, Glenurquhy, Lawers, and Weyme; Abbot of Incheffray; Coline Campbell of Ardbaith; Laird of Glenlyoun; Earl of Athole; Lairds of Grantully, Strowane-Robertsoun, Strowane-Murray, Wester Wemes, Abbatishall, Teling, Inchemartine, Powry-Fothringhame, Moncreiff, and Balleachan; Baron of Fandowye; Earls of Errol and Gowry; Laird of Cultebragan; Chisholme of Cromlix; Lord Ogilvie; Lairds of Clovay, Fyntre, and Edzaill; Earl of Mar;

Fol. 6, b. Master of Elphingstoun; Earl of Huntley; Master of Forbes; Laird of

Grant; Makyntosche; Lord Lovet; Tutor of Lovet; Chesholme of Cummer; Laird of Glengarrie; Mackenzie; Lairds of Fowlis and Balnagowne; Tutor of Cromartye; Earl of Sutherland; Laird of Duffus; James Innes of Touchis; Earl of Caithnes; Earl Marschell; Lord Olyphant; Lairds of Boquhowy and Dumbeycht; Mackye of Far; Torquill M°Loyd of Cogoych; Laird of Garloch; Makgillechallum of Raarsay; Makcloyd of Harrych; Mackynnoun of Strathodill; Maklewd of the Lewys; Makneill of Barrey; Mackane of Ardnamurchin; Allane M°kane of Ilanterim; Laird of Knoydert; M°Clayne of Dowart; Laird of Ardgowre; Johnne Stewart of the Appin; M°Coule of Lorne; M°Coule of Roray; Lairds of Lochynnell and Caddell; M°Condoquhy of Innerraw; Angus M°Conile of Dunneveg and Glennes; Laird of Lowpe; Sheriff of Bute; Laird of Camys; Earl of Ergyle; Lairds of Achinbrek and Ardkinglas; Maknachtane; Maklauchlane; Lairds of Lawmont, Perbrak, and Duntrune; Constable of Dundye; Laird of Glastry; Lairds of Elanegreg, Otter, and Coll; M°Clayne of Lochbowy; M°Fee of Collowsay; Lord Hammyltoun; Laird of Skelmurlie for Rauchry.

Acta penes Marchiarum, etc., ordinem.

Fol. 7, a.

"The Roll of the Clannis that hes Capitanis, Cheiffis and Chiftennis, quhomeon they depend, oftymes aganis the willis of thair Landislordis, alsweill on the Bordouris as Hielandis, and of sum special personis of branches of the saidis Clannis."

Roll of Clans on the Borders and in the Highlands and Isles.

Borders:—*Middle March:* Ellottis; Armestrangis; Niksons; Crosars. *West March:* Armstrangis; Scottis of Ewisdale; Batesonis; Littillis; Thomesonis; Glendenyngis; Irwingis; Bellis; Carrutheris; Grhames; Johnnstonis; Jardanis; Moffettis; Latimers.

Highlands and Isles:—Buchannanis; Makfarlanis of Arroquhar; Maknabbis; Grahames of Menteith; Stewartis of Buquhidder; Clan Gregour; Clan Lauren; Campbellis of Lochnell; Campbellis of Innerraw; Clan Dowill of Lorne; Stewartis of the Lorne or of the Appin; Clan M°Kayne [of] Abricht; Stewartis of Athole and parts adjacent; Clan Donoquhy in Athole and parts adjacent; Menzeissis in Athole and Apnadull; Clan M°Thomas in Glensche; Fergussonis; Spaldingis; M°Yntosches in Athole; Clan Chamroun; Clan Rannald in Lochaber; Clan Rannald of Knoydert, Moydert, and Glengarey; Clan Lewd of the Lewis; Clan Lewd of Harrey; Clan Neill; Clan Kynnoun; Clan Ieane; Clan Chattan; Fraseris; Clan Kanze; Clan Andreis; Monrois; Murrais in Sutherland.

[At the end of the same volume, and apparently in the same hand as the preceding, is the following commencement and all but completion of an intended Roll of the names of the Landed Proprietors over the whole of Scotland. There can be little doubt that, as has been suggested in the Introduction at p. lvi., it was drawn up in, or shortly after, 1590, by way of extension of the two preceding Rolls of Border and Highland Landlords and Clans, for the guidance of Chancellor Mait land's government in matters of taxation and police.]

"LANDIT MEN."

Acta penes Marchiarum, etc., ordinem.

Roll of Landlords in the greater number of the Shires of Scotland.

Fol. 129, a.

"EDINBURGH PRINCIPALL.—Erll of Mortoun; Lord Borthuik; Newbottill; Rosline; Dalhoussye; Edmestoun; Nudrye; Quhitehill; Craigmillar; Braid; Merchanistoun; Colenetoun; Reidhall; Corstorphin; Innerleith; Haltoun; Calder; Pumphrestoun; Cairnis; Selmes; Pennycuke; Newhall; Hawthorneden; Newbyre; Dryden; Poltoun; Achyndynnie; Bellenden of Pettindreich; Sherefhall; Lugtoun; Carbarry; Smetoun; Monktoun; Wowmet; Hill; Preistisfield; St Geliegrange; Ormystoun; Kincaid of Wareistoun; Pilrig; Logane of Bonytoun; Curriehill; Richartoun; Killeith-Fynlassoun; James Hammyltoun of Rouchbank; Ratho; Dalmahoy; Halhous; Southous; Kilbabertoun; Craiglokkert; Wrichthoussis; Craighous; Lowrestoun; Grantoun; Bavelaw; Crawmond-Regis; Cokpen; Poltoun.

CONSTABULARIE OF HADINGTOUN.—Lord Seytoun; Lord Yestir; Innerweik; Spott; Broxmouth; Knowis; Kirklandhill; Wadelie; Stottancleuch; Quhittinghame; Stanypeth; Poppilhall; Skowgall; Sydserff; Guidman of Quhitkirk; Gourelawbankis; Northrig; Hume of Northberuik; Hume of Heuch; Congiltoun; Saltcoittis; Bas; Wauchtoun; Gosfurd; Langnudrye; Garmiltoun; Smetoun; Gilmertoun; Fortoun;

Fol. 129, b.

Elstanefurd; Borthuik in Ballincreiff; Trabroun; Adinstoun; Elphinstoun; Fawsyde; Prestoun; Benestoun; Lynplum; Clerkingtoun; Colstoun; Sammelstoun; Hirdmestoun; Blans; Kidlaw; Newtoun; Newhall; Skatisbus; Humbye; Cranstoun-Riddell; Little Prestoun; Ormistoun; Tempillhall; Johnnstounburn; Caikmure; Seytoun of Barnis; Eist Craig; Lord Hume in Pinkertoun; Gammylschelis; Rouchlaw; Ker, portioner of Quhitlaw; Ker in Saltoun.

BERUIK.—Lord Hume; Woddirburne; Coldounknowis; Aytoun; Polwort; Manderstoun; Hutounhall; Blacater; David Hume of the Law; Nynewellis; Hume of Eist Restoun; Billie; Blanerne; Cumlitche; Slychthoussis; Hoprig; Rentoun; Craw in Gunnisgrene; Swyntoun; Langfurmacus; Cokburne; Langtoun; Butterden; Grenelaw; Reidpeth; Eist Nysbit; West Nysbitt; Restalrig; Eddrem; Wyliecleuch; Spottiswod; Woddirlie; Thornydikis; Corsbye; Guidman of Moreistoun; Greinlawdene; Pittillisheuch; Hardaikers; Eistfeild; Todrig; Mellerstanes; Lambden; Buchtrig; Belchester; Lithame; Peill; Heirdrig; Edingtoun; Mersingtoun; W. Hume of Bassinden; Guidman of Growadykis;

Fol. 130, a.

Guidman of Chowislie; Burnehoussie; Lard Purves in Ersiltoun; St Johnischapell; Lauder; Bowmaker; Prentonen.

ROXBURGH AND SELKIRK.—Cesfurd; Greneheid; Littleden; Sir Johnne Ker of Hirsell; Fawdounsyde; Gaitschaw; Corbett; Garden; Schaw of Dalcoif; Quhitmure; Quhitmurehall; Sunderlandhall; Lyntoun; Yair; Phairnyhirst; Ancrum; Robene Ker of Newtoun; Andro Ker of Newhall; Thomas Ker of Caveris; Watt Ker of Lochtour; Andro Ker of Hietoun; James Ker of Lyntellie; Mackerstoun; Steidrig; Mow; Riddell; Edmestoun; Mungo Bennet of Chestirs; Williame Kirktoun of Stewartfeild; Williame Anislie of Fawlay; Overtoun; Williame Mader of Lang-

Roll of Landlords—*continued.*

toun; Hundeley; Hunthill; Edzarstoun; George Rutherfurd of Fairnyngtoun; David Rutherfurd of the Grange; Johnne Rutherfurd in the Toftis; Johnne Rutherfurd of the Know in Nysbit; Williame Rutherfurd in Littleheuch; Walter Turneble in Bedroule; Johnne Turnble of Mynto; Hector Turnble of Wauchop; Turnble of Halroule; George Turneble of the Toftis; Hector Turneble of Bernehillis; Walter Turnble of Bewlye; Turneble of Belses; James Turneble of the Tour; Turneble of Bullerwall; Edward Lorane of Harwod; James Douglas of Caveris, shereff; William Douglas of Bonejedburgh; Tympenden; Johnne Douglas of Quhitrig; Gavin Ellot of Stobbis; Will Ellot of Harthscarth, tutour of Reidheuch; Will Ellot of Fallinesche; Robene Ellot of Horsliehill; Martyne Ellot of Braidley; Mangertoun; Quhitehauch; Bukcleuch; Watt Scot of Goldelandis; Robert Scott of Allanhauch; Howpaislott; Glak; Eidschaw; Syntoun; Lard of Hassinden; Watt Scott of Chalmerlane Newtoun; Guidman of Burnefute; Watt Scott of Stirkschawis; Robert Scott of Thirlstane; James Scott of Robertoun; Watt Scott of Harden; Mr Arthure Scott of Wynterburgh; Michaell Scott of Aikwod; Will Scott of Hartwodmyris; Robert Scott of Hanyng; Adam Scott of Bonyngtoun; Fol. 130, b. Watt Scott of Tuschelaw; Will Scott in Montbernger; Philp Scott of Dryhoip; Will Scott of Huntlie; Gledstanis; Langlandis; Chesholme; Ailmure; Waltir Vaitche of Northsyntoun; Patrik Murray of Fawlayhill; Thom Dalgleische of Deuchar; Gallowschelis; Quhitebank; Bukholme; Torwodley; Blindley; Trinlingknowis; Newhall; Torsons; Murehous.

Acta penes Marchiarum, etc., ordinem.

Peblis.—Traquair; Blakbarony; Drummelyair; Scraling; Pyrne; Horsburgh; Dikkesoun of Ormiston; Greistoun; Cardrono; Henderstoun; Smythfield; Maner; Manerheid; Posso; Dawick; Dreva; Charles Geddes of Rachane; Polmude; Halkschaw; Furd; Erlhauch; Barnis; Cavirhill; Fowletche; Mylcomstoun-Pringle; William Tuedy of the Wra; Robert Creichtoun of the Quarter; Romannois; Quothquot; Stanypeth-Douglas; James Lausoun of Carnemuir; Sandelandis of Boyle; Purveshill; Hartrie; Mitchelhill; Langlandhill; Glen; Erlisorchert; Cowrehoip.

Linlythgow.—Lord of Torphechin; James Hemmyltoun of Levingstoun; Dundas; Bernebowgall; Cragyhall; Humby-Hammyltoun; Newlistoun; Drummond of Ricartoun; Medope; Ballinhard; Johnne Hammyltoun of Grange; James Boyd of Kippis; Johnne Levingstoun of Prestoun; Robert Bruce of Bynnye; Johnne Hammyltoun of Eister Bynnie; Johnne Ros in Tartraven; Williame Criechtoun in Drumcors; Carribber of that Ilk; Johnne Levingstoun of Abircorne; Lawsoun of Lochtullo; Fol. 131, a. Robert Hammyltoun of Inchemachan; Johnne Quhithauch of Kincavill Park; Duntarvye; Preistisinche; Robert Hammyltoun of the Wra; James Cochran of Blakcraig; James Polwort of Coustoun; Johnne Grhame of Hilderstoun; Alexander Stewart of Scottistounhill.

Striveling.—Erll Mar; Lord Levingstoun; Lord Flemying; Lord Elphingstoun; Carden; Touch; Leckye; Gargunnok; Polmais-Murray; Polmais-Cunnynghame; Carnok; Playne; Bruce of Auchinbowye; Kersy; Throsk; Airth; Larbertschelis; Powfowlis; Kers; Randefurd; Skannere;

Acta penes Marchiarum, etc., ordinem.

Querrell; Dunypace; Pentosken; Castelcary; Hanyng; Ternetirrane; The Quarter; Bantone; Auchincloich; Culbeg; Fyntrie; Kilsyth; Buchannane; Drumnakell; Drumquhassill; Duntreith; Striveling of Lettir; Lennox of Blairschogill; Naper of Ballekynrane; Culcreich; Glorett; Baldorane; Craigbarnet; Badinhaith; Bancloich; Johnne Schaw of Broych; Adame Spittell of Blairlogye; David Balfour of the Powis.

Roll of Landlords—*continued.*

CLAKMANNAN.—Clakmannan; Sauchye; Akinheid; Menstray.

KINROS.—Burly; Lathangye.

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FYFF.—Erll Rothes; Lord Lyndesay; Lord Sinclar; Mukdrum; Balvaird; Balcanquell; Corstoun; Petloure; James Scrymgeour of the Myris; Rossy; Rankelour Over; Rankelour Nethir; Carslogy; The Mont; Fairny; Parbroith; Cullerny; Dunmure-Aytoun; Dunmure-Paterson; Baroun of Kynnard; Balfour of Denemylne; Kyngask; Fudye; Monquhany; Logye; Nauchtane; Baron Hay; Sandfurd-Narne; Kynneir; Straburne; Culluthy; Erlishall; Rires; David Balfour of Balledinnot; Johnne Forret of Fingask; David Inglis of Ardett; Patrik Balfour of Petcullo; Dersy; Kembak; Rimgawy; Forrett; Nydie; Brakmonth; Lathocar; James Wod of Lambethane; Andro Wod of Strathvethy; Sir George Douglas of Elenehill; Alexander Inglis of Strathbyrum; Kinkell; Petmilly; Randerstoun; Balcomy; Cammo; Barnis; Airdrie; Anstruther; Balcasky; Gordonishall; Carnebee; Petterthy; Kynnalde; St Monanis; Balcolmo; Kynnewquhair; Sandfurd-Dudingstoun; Mr Alexander Wod of the Grange; Achmowty of the Halhill; Largo; Lundye; Durye; Lathalland; Lochmalony; Balmouth; Lord Olyphant; Strathartie; Kincraig; Killestoun; Craighall; Tarvett; Carraldstoun; Pyetstoun; Ballingall; Tretoun; Bello; Skelpy; Condland; Devene; Innerdevett; Bandone; Pettilloch; Forther-Ramsay; Kirkforther; Cletty; Orky; Riggis; Lathrisk; Balbirny; Ramorny; Halhill-Melvile; Kilquhyse; Fordell-Broun; Petblado; Creich; Wilmerstoun; Segy; James

Fol. 132, a.

Hammyltoun of Kinbrachmont; Torry; Strathenry; Arnot; Johnne Betoun of Petloquhy; Robert Aytoun of Inchedarny; Balgony; Balfoure; Auchmouty; Camroun; Skethwy; Guidman of Drummard; Guidman of Ederny; Guidman of Callinche; Williame Blacater of Taisses; Eister Wemys; Wester Wemys; Touch-Berclay; Logy; The Maw; Balwery; Abbatishall; Raith; Cardoun; Balmowto; Seyfeild; Orrok; Balram; Grange; Guidman of Dalgaty; Fordell-Henderstoun; Pettadro; Seytoun of Pettedy; Sir Robert Malvile of Brintiland, knyght; Spensarfeild; Abircrummy of Urquhart; Pettincreiff; Rossyth; Cavill; Cleische; Dowhill; Casche; Lethem.

PERTH: STRATHARNE: MENTEITH.—Erll Montrois; Lord Drummond; Lord Incheffray; Tullybardin; Abircarny; Garvok; Strowan-Murray; Auchtertyre; Lettirbennethy; Petkellony; Barroun of Bordland; George Drummond of Balloch; Inchebraky; Cultoquhay; Gorthye; Duncrub; Tutour of Duncrub; Kelty; Condy; Strowy; Alexander Vans of Fornocht; Colene Campbell of Ardveth; William Grhame of Panhoillis; Patrik

Roll of Landlords—*continued.*

Cairny of that Ilk; Johnne Drummond of Cowquholyie; Monnyvard; Henry Striveling of Ardoch; Kippanros; Grhame of Rathernis; Sir James Cheisholme of Cromlix; Kinros of Kippenrait; Alexander Drummond of Megour; the Lard of Cultevragane; the Lard of Lawers, *alias* Fordell; the Lard of Cumry; Monorgund; Moncur; Inchestur; Inchemartene; Kynnard; Kinspindie; Meginche; Leyis-Hay; Hill; Pitfoure; Bathyok; Kynfanis; Evillik; Pitcur; Balgillo; Balluny; Drumkillo; Ruthvennis; Banff; Cluny-Creichtoun; Drumlochye; Gormok; Ardblair; Lethintye; Wester Gormok; Murthley; Grantullis; Weyme; Strowane; Fastcalyie; Arntullie; Mones; Fergusoun; Cunysoun; Balleachin; Dulcaben; Glen; Glenlyoun; Glennorquhy; M^cGregour; Ardveich; Strathurd; Kynnard; Craighall; Loncardie; Cragie; Moncreiff; Fyngask; Balhoussye; Innernytie; Cultmalindie; Tibbermuir; Tibbermalloch; Ballindane; Ballegarno; Petkindie; Gorthye; Inchebrekie; Callender; Garvok; Tullybardin; Balmanno; Innernytie; Glennegyes; Petkellony; Bordland; Comrye; Cultevragan; Monzie; Monyvard; Cultoquhay; Innerpeffray; Balloch; Leanach; Drummanerinach; Ardoch; Keir; Muschett; Dunrobene; Norye; Boghall; Knokhill; Cambusmore; Lany; Tullyallan; Adie; Incheffray. Acta penes Marchiarum, etc., ordinem. Fol. 132, b.

Lanerk.—Dunrod; Calderwod; Ernok; Mynto; Badinhaith; Cleland; Carphin; Stevestoun; Ferme-Craufurd; Gilbertfeild; Murdestoun; Haggis; Orbestoun; Raploch; Dalserff; Blakwod; Stanebyris; Jervestoun; Auchtyferdill; Corhouse; Bonytoun; Jerveswod; Ley; Cleghorne; Belstanis; Westhall; Cloburne; Craufurdjohnne; Stanehouse; Silvertounhill; Lauchop; Carmychaell; Covingtoun; Crympcramp; Glaspen; Cambusnethamme; Quhitefurd; Kittymure; Symounstoun; Annastoun; Lamyngtoun; Baikbye; Westraw; Cultermanis; Arthourscheill; Scheilgrene; Ellerschaw; Medowflatt; Haircleuch; Wikkitschaw; Dalzell.

Annanderdaill.—Johnnstoun; Apilgirth; Holmendis; Corheid; Frenscheland; Bodisbeik; Wamphray; Dynwoddie; Elscheschelis; Halathis; Cokpule; Nubye; Wormombye; Corrie; Castelmylk; Boneschaw; Brydekirk-Carlile; Locarby; Graitnay; Purdoun; Glencors of that Ilk; Reidkirk; Blawatwod; Gillisbye; Wauchop-Lindsay. Fol. 133, a.

Drumfreis.—Drumlangrig; Makmath; Achingassill; Achinsell; Closburn; Kirkmichaell; Amysfeild; Tynwall; Lag; Schawis; Craigdarroch; Bardarroch; Cloglyne; Glenislein; Sundeywall; Freir-Kers; Conhaith; Kirkconnell; Portrak; Carnesalloch; Spottis; Tarrachtie; Eglisfechen; Partoun; Almygill; Robgill; Hoilhouse; Linclouden; Coschogill; Dalvene; Castelhill; Erll Mortoun; Lord Sanquhar; Lord Maxwell; Lord Hereis.

Kirkcudbrich.—Lochinvar; Garleis; Bomby; Troquhane; Ardis; Partoun; Balmoclellan; Little Airdis; Mabye; Barcloy; Fairgirth; Cardenes; Ile; Nuntoun; Balmangan; Auchlene; The Cule; Aynrig; Drumcoltrane; Dalbatie; Kilquhanatie.

Wigtoun.—Garfland; Logane; Larg; Kinhilt; Ardwell; Killaser;

Acta penes Marchiarum, etc., ordinem.

Barskeoch; Straichlaw; Shereff of Wigtoun; Derregill; Mochrum; Barnebarroch; Baldun; Park-Hay; Barquhony. Roll of Landlords—*continued.*

Air: Carrik: Kyle: Cunynghame.—Bargany; Blairquhan; Girvenmanis; Kirkmichaell; Kelwod; Dunduff; Ardmillan; Drummellan; Balmoclellan; Carltoun; Knokdaw; Monunschean; Carcaffye; Dalreoch; Kilkerane; Kinhenye; Culzean; Stair; Cummeragan; Cloncard; Ekkillis; Penkill; Trochrig; Shereff of Air; Cragy-Wallace; Lefnoreis; Cesnok; Bar; Gaitgirth; Interkin; Adamtoun; Barskimmene; Gaustoun; Capringtoun; Polquharne; Lagland; Carnell; Stewartoun; Auchannis; Monktoun; Halrig; Kers; Drungane; Camlarg; Auchinleck; Keris; Cornebeg; Glengarnok; Cunynghameheid; Robertland; Aikett; Achinharvie; Heissilheid; Giffin; Langschaw; Stane; Braidstane; Rowallan; Kilbirny; Auchnemmys; Ladyland; Fairlie; Hunterstoune; Blair; Dreghorne.

Renfrew.—Cauldwell; Blakhill; Houston; Craganis; Foulwod; Bischoptoun; Bargarran; Johnnstoun-Wallace; Ellirsley; Barrochan; Skelmerlie; Newwark; Staneley; Nethir Pollok; Over Pollok; Rais; Cathcart; Walkinschaw; Barskube; Grenok; Dowchall; Bar; Ralstoun.

l. 133, b. Dumbertane.—Lus; Makfarlan; Arrochar; Cowgrane; Ardincapill; Ardardane; Ardoch; Kilmahew; Bullnull; Camstrodan; Buchannan; Drummakill; Drumquhassil; Duntreith; Kilcreuch; Manis; Balvie; Bardowye; Kincard; Glorett; Craigbernatt; Wodheill; Blairinschogill; Ballekinrane; Darleyth; Noblestoun; Bancloich; Knokdolean.

Bute.—Shereff of Bute; Camys.

Ergile.—Auchinbrek; Ardkinglas; Lawmond; M°Lauchlane; M°Naughtane; Duntrune; Lowpe; Otter; Skippinche; M°Coull of Lorn; Innerawin; Appin; M°Conile; M°Clane; Lochbowye; Coll; Ardnamurchan.

Tarbett.—"

[For reference to the following document see Introduction, pp. liv., lv.]

"Generall Band.—Be it kend till all men be thir present lettirs: We, the erlis, lordis, barronis, landit men and utheris quhais names eftir followis, subscrivit with oure handis, to be bundin and obleist, and, be the tennour of thir present lettirs, be the faithis and trewthis in our bodyes, bindis and oblissis us and oure airis, to our Soverane Lord and his successouris, that,—forsamekle as his Hienes, for putting of tranquilitie, peace and rest throwout all his realme amangis his liegis, and for the mantinance of justice and stanching and puneisment of committers of slauchters and utheris odious crymes sa frequentlie committit in tyme bygane, hes causit hald and appoint courtis of justiciarie for all boundis and schyris of the realme [*cf. supra*, pp. 217–219], with publict avowing and promise to grant nathing tending to the hinderance or stay of justice aganis offendouris in tyme cuming: thairfoir, we, and ilkane of us for oure awin

General Band of Landlords for good rule within their bounds, and responsibility for their tenants and dependents.

Fol. 8, a.

part, sall, in all tyme cuming, keip and caus to be kepit gude rule within our landis, lordschippis, takkis, stedingis and baillieries, in maner following:—That is to say, gif ony personis dwelland in ony part of oure saidis landis, lordschippis, boundis, rowmes, takkis, stedingis and baillieries, committis ony crymes, sic as tressoun, fyre-raising, murther, revesing of women, slauchter, mutilatioun, reiff, thift, resset of thift, foirthocht fellony, commoun oppressioun, resset of personis at the horne for slauchter or utheris odious crymes, assistance to thevis or tratouris eftir the committing of ony sic fault: We, or ony of us quhomeunder the saidis committers duellis within the boundis and rowmes foirsaidis, being requirit be the Kingis authoritie or be his Justice or Justice Clerk, sall entir the persoun or personis dilatit of the saidis faultis, ane or ma, ayther in generall justice airis or particular dyettis, as we and ilkane of us for our awin partis salbe requirit upoun fyftene dayes warnyng, to underly the law for the same crymes that they are dilatit of befoir the justice or his deputis, ilk persoun as efter followis: that is to say, for fyre-raising, revesing of wemen, ilk gentleman landit under the pane of ane hundreth pundis, ilk gentleman undlandit under the pane of ane hundreth merkis, and ilk yeman fouretye pund; and for ilk utheris crymes under the pane of law, and, as becumis ilkane of us for oure awin part, souirtie thairfore to the secund air or court peremptoure, and sall answer to oure Soverane Lord for thair escheit guidis. In cais the personis or ony of thame beis fugitive and will not compeir to underly the law for sic crymes as thay salbe dilatit of, we and ilkane of us for oure awin partes sall expell and put them furth of oure saidis landis, lordschippis, rowmes, takkis, stedingis and baillieries, and siclike thair wyffis and barnis, and sall tak thair stedingis and takkis fra thame and put utheris personis to use and occupye the same; and sall hald thame, thair wyffis and barnis perpetuallie furth of the saidis takkis and stedingis. And, gif it sal happen ony of the saidis trespassouris and evill doaris to resort and cum agane within oure saidis boundis or ony of ouris, and beis sufferit to remane ten dayes be oure witting, in that cais we and ilkane of us for oure awin part within quhais boundis it sal happin the saidis trespassouris to resort, we grant and confes us and ilkane of us that failyeis thairin culpable and accusable of ony crymes or slauchters that sal happin the saidis trespassouris or ony of thame to committ in tyme of thair returnyng or receptatioun. And alsua, gif ony of our Soverane Lordis rebellis and put to his horne cumis within oure or ony of our saidis lordschippis, landis, boundis, rowmes, takkis, stedingis, or baillieries, or gif ony conspiratouris aganis the Kingis authoritie happynnis to cum within the same, we and ilkane of us for ourselff, als sone as we may be adverteist thairof, sall ryse togidder with oure kin, freindis, tennentis, servandis and adherentis, and all that will do for us, and tak sure part, persew, tak and bring thame to the law gif it be in oure pouer, or sall slay thame or put thame owt of the countrie. And, to this effect, we and ilkane of us sall concur to the haill cuntrie aganis all rebellis, conspiratouris and ganestanders of the Kingis authoritie, and

Acta penes Marchiarum, etc., ordinem.

Fol. 8, b.

Acta penes Marchiarum, etc., ordinem.

heirto we and ilkane of us sall do oure possible diligence: quhairupoun gif we failyie, we and ilkane of us that beis notit of the said failyie ar content to abyde the knawledge of ane assise quhairevir and in quhat place it sall plas the King's Hienes and his successouris to call us to be accusit. And, gif it beis fundin that we or ony of us be culpable or faultive in ony of the premissis, it salbe lefull to his Hienes to puneis him or thame that beis culpable, be deid, prisoning or confiscatioun of his or thair guidis, at his will, and to hald thame culpable of all the faultis to be committit be the trespassouris or mysdoaris that we or ony of us gifis favoure or assisting to. And als we sall not ressave nor resset within oure saidis boundis ony personis that ar fugitives fra the law, or is expellit or put furth of ony uther menis boundis for ony crymes; and, gif we or ony of us dois in the contrar, the failyear to incur the pane abonewritin, and to be processit and puneist thairfore, as mantiners and ressettaris of thevis within thair boundis.—In witnes."

[What precedes is statutory and statistical matter engrossed into the volume: the minutes begin from this point.]

Fol. 9, a.

Holyrood-house, 10th June 1590. Order to Border landlords and heads of families to find caution for the conduct of their dependents.

In conformity with the Act of Parliament (1587, c. 59, iii. pp. 461–467) relating to landlords and bailies on the Borders and in the Highlands, the following persons are ordered to find sureties that they shall relieve his Majesty and his wardens "for all attemptattis" done or to be done by those persons for whom they are responsible, and that they shall present them to justice and satisfy parties skaithed, within 15 days after charge:—viz., Alexander, Lord Hume; David Hume of Woddirburn; Williame, Earl of Angus; Frances, Earl Bothuile; Johnne, Earl of Mar; James, Earl of Glencarne; Johnne, Lord Maxwell; James, Lord Borthuik; Hew, Lord Somerwell; Andro Ker of Greneheid; Johnne Cranstoun of that Ilk; Andro Ker of the Yair; Williame Ker of Ancrum; Walter Riddell of that Ilk; James Langlandis of that Ilk; James Gledstanes of Coklaw; Watt Turneble of Bedroule; Robert Fraser of Overtoun; Andro Rutherfurd of Hundeley; Johnne Rutherfurd of Hunthill; James Ker of Corbett; Walter Ker of Graden; Andro Ker of Newhall; Mader of Langtoun; George Rutherfurd of Farnyngtoun; Thomas Ker of Caveris; the Goodman of Quhitmuir; the Goodman of Quhitmuirhall; Andro Kirktoun of Stewartfield; the Goodman of Muirhouslaw; the Goodman of Howpaislott; Hector Turneble of Bernehillis; Will Ellot of Fallinesche; Waltir Ker of Lochtoure; Robert Ellot of Reidheuch; Martine Ellot of Braidley; Johnne Ellot of Copschaw; David Armstrang of Ailmure; Waltir Scott of Eidschaw; George Scott of Syntoun; Johnne Turneble of Halroule; Andro, Commendator of Jedburgh; James Patersoun of Cavirhill; James Twedy of Drummelzair; Waltir Scott of Quhitslaid or Stirkschawis; Watt Scott of Goldelandis; Robert Scott of Hanyng; Watt Scott of Tuschelaw; Lancy Armstrang of Quhithauch; Sym Arm-

strang of Mangertoun; Robert Scott of Allanhauch or Raisknowis; Johnne, Lord Maxwell; William, Lord Hereis; James Douglas of Torthorrald; William, Earl of Mortoun; Frances, Earl Bothuile; Johnne Gordoun of Lochinvar; Alexander Kirkpatrick of Kirkmichaell; Jeane Dynwoddie of that Ilk, and Johnne Maxwell of Aikinheid, her spouse, for his interest; Sir James Johnstoun of Dunskellie; Johnne Johnnstoun of Newbye; Gilbert Johnnstoun of Wamfray; Johnnstoun of Corrye; the Goodman of Skaillis; George Carrutheris of Holmendis; Johnne Carrutheris of Kirkwod; Alexander Jarden of Apilgirth; Charles Murray of Cokpule; Johnne Johnnestoun of Graitnay; Lyndesay of Barcloy; Robert M^cBrair of Almygill; Watt Irving of Robgill; Thomas Carrutheris of Wormondbye; Glencorce of that Ilk; Edward Irwing of Boneschaw; Wilkene Johnnstoun of Escheschelis; Johnne Murray of Moryquhat; Johnne Carrutheris of Robyflat; Herbert Kennedy of Hallathis; Bell of Holmeheid; Will Kynmonth; Laird of Knok; Frensche of Frenscheland; Ritchard Grhame of Rempatrik; Arthoure Grhame of Blawatwod; Thomas Johnnstoun of Corheid; Habye Carlile of Brydekirk; Alexander Carlile of Eglisfechen; Ewart of Bodisbyke; Robert, Lord Sanquhair; Alexander Glendonyng of Partoun; and Grhame of Gillisbye. Acta penes Marchiarum, etc., ordinem. Fol. 9, b.

Holyrood-house, 15th June. "Act bering directioun": *i.e.*, appointing a special Committee of the King's Council and Officers for weekly deliberation on the affairs of the Borders, and monthly report thereon to the King and Council.

"Anent the present estate of all the Marches and Bordouris of this realme foranent England, alsweill in geving and taking of redres for keping of the peace as for the guid rule of the inhabitantis of the saidis Marches towardis his Hienes awin subjectis, that heretofore hes sustenit sa greit herschippis and oppressionis, to the heich contempt of his Majestie, his authoritie, and harme of the common weill, his Hienes, be the relatioun of certain of his Counsall appointit to inform him of the defaultis and disorders standing heiranent and maist liklie meanys to amend the same in tyme cuming, findis all thingis necessair to be done in that behalff in effect weill devisit and set downe already, gif thay be agane walkynnit and anys put in ordour, and thairefter cairfullie kepit thairin unforyett. Quhilk charge, althocht cheiflie it appertenis to his Hienes selff and his haill Privie Counsale, yit amangis sa mony great turnis as his Hienes hes ado in the intendit reformatioun of the estate of his realme, necessair it is that this work be committit to the cair and diligence of certane speciall personis of his Counsale and Officers; for quhilk purpois his Hienes hes maid present chois of his trusty and weilbelovit counsellouris, Johnne, Lord of Thirlstane, his Hieness chancellar, Sir Lues Bellenden of Auchnoule, knycht, clerk of justiciarie, Sir Robert Malvile of Murdocarny, knycht, thesaurar-depute, Maister Robert Douglas, provest of Lynclouden, collectour-generall, Sir James Hume of Coldounknowis, knycht, capitane of the Castell of Edinburgh, Sir Johnne Carmychaell of that Ilk, knicht, maister of his Hienes stable, and Alexander Hay of Eister Kennett, clerk of register: chargeing and commanding thame, or sa mony of thame as sal happin to be present in Edinburgh for the tyme, to convene togidder in the tolbuith thairof every Monnonday in the yeir, at sevin houris before

Acta penes Marchiarum, etc., ordinem.

Fol. 10, a.

none in somer and at aucht houris befoir none in wynter, to heir compliners, answer complaintis, communicat thair intelligence togidder, and direct all thingis ordinar necessair to be done for that present, and upoun the first day of every moneth, and failyeing thairof the next lauchful day thairefter following, to communicat the course of thair procedings to his Hienes and his haill Privie Counsale present for the tyme,—with power to direct and appoint a clerk to attend on thame expreslie for this service, and for writing and keping of a Register of sic thingis as necessarlie ar to be done thairin; and ordanis his Hienes thesaurar and his depute to put money in the same clerkis hand for dispatching of proclamationis, chargeis and missives, be command and directioun of the saidis personis of his Counsale or ony thre of thame convening, upoun monethlie compt to be deliverit thairof, subscrivit with thair handes, to my Lord Thesaurar and his depute. And, that the necessair expensis of this charge may be the bettir sustenit, his Majestie and his thesaurar and thesaurar-depute promises to use the advise of thir personis, or sa mony of thame as sal be present at thair oulklie convening every Monnonday as said is, in the dispositioun of the casualities falling within the boundis of the Marches, and in granting respettis, remissionis or letters for libertie, or interchangeing of plegeis, or ony uther sic thing as propirlie concernis this service in commoditie or hinderance. And speciallie that the saidis personis of his Counsale, or ony thre of thame, convening every Monnonday as said is (of quhome the eldest in the Chancellares absence sall alwyse be president), seik, direct and mak the dew executioun of his Hienes Act of Parliament, intituled FOR THE QUIETING AND KEPING IN OBEDIENCE OF THE DISORDERIT SUBJECTIS, INHABITANTIS OF THE BORDOURIS, HIELANDIS AND ILIS, sa far as concernis the Bordouris, and of all utheris Actis of Parliament and Privie Counsale necessair, and namelie of the Act devisit how the trew men sall seik redres of thair guidis and how the criminall justice sall proceid and be usit within the boundis of the saidis Marches. And thairfore his Majestie, be the tennour heirof, suspendis and dischargeis all uther commissionis of justiciarie grantit be his Hienes within the boundis of the saidis Marches foranent England in ony tyme bygane, declaring heirby that he will grant nane in tyme cuming without advise of the saidis personis of his Counsale presentlie nominat to tak cair of this mater, or sa mony of thame as sal be present the first day of the oulk as said is; and to write to the Wardanis of Scotland and England, and ressave ansuer fra thame in all thingis tending to the making of redres and intertening of quietnes betuix the realmes; and that letters be direct for publicatioun

Fol. 10, b.

heirof be oppin proclamatioun at the mercat croces of Edinburgh, Duns, Lauder, Jedburgh, Selkirk, Peobles, Lanerk, Drumfreis, Lochmaben, and utheris places neidfull, that nane pretend ignorance of the same, and that all his Hienes liegis having occasioun of complaint may present the same to the saidis personis of his Hienes Counsale every Monnonday appointit for thair convening as said is, and ressave dew answer of the same as appertenis. And ordanis this present proclamatioun, with the said Act of

Parliament, Act of Secrete Counsale, or sic utheris Actis of Parliament or Counsale as the saidis Lordis convening sall think necessair, to be imprentit, quhairthrow the contentis thairof may the better cum to the knawlege of the haill subjectis." [1] Acta penes Marchiarum, etc., ordinem. Fol. 11, b.

Holyrood-house, 24th June 1590. Charge to keepers of Border pledges to answer for allowing their pledges to depart without warrant.

The pledges underwritten, detained for the good rule of the Borders, having been committed to the custody of the persons following, to be kept by them till they should have received a warrant subscribed by the King and his Chancellor to the contrary, each under the pain of £2000, as by the Act of Parliament made thereanent, viz. [names not recorded], and the said keepers having suffered their pledges to pass home without warrant, it is declared that the said keepers have incurred, each of them, the said penalty, and therefore letters are ordered charging each of them to appear before the King and Council upon 13th July next, to hear themselves decerned liable in the said pain of £2000 for each pledge "lettin to libertie be thame without lauchfull warrand."

Edinburgh, 1st July. Protest for Lord Maxwell in the matter of the complaint of an Englishman who has been arrested.

James Rig, servant to Johnne, Lord Maxwell, appears before the King and Council, and produces a copy of letters raised by George Liddell, Englishman, charging the said Lord and other keepers of the said Englishman to release him, and also to deliver to him the license granted him by his Highness to repair to Scotland for doing his lawful business during his lifetime, within six hours after the charge, under pain of rebellion, or else to produce the said George, with his licence, before his Majesty and Council this day. Liddell not appearing to pursue this matter, Rig, as procurator for Lord Maxwell, protests that the said Liddell shall not be heard again till the said Lord shall be again called and his expenses paid. The Lords admit the protest so far as that Lord Maxwell shall not be bound to release the said Liddell without his Majesty's new charge, passed by advice of the Committee of Council for the Borders, Lord Maxwell's procurators being first heard. Fol. 12, a.

Order to Scott of Branxholm and Edmonston of that Ilk to relieve the King of certain bills of English Complainants.

Sir Johnne Edmestoun of that Ilk having become surety for Walter Scott of Branxholme that he should enter such as he is bound to answer for, conform to the Act of Parliament dated 29th January [? July] 1587, and Archie Ellot of Dokcleuch, the said Sir Walter's man, being filed in a bill of the late Sir Thomas Gray of Chillinghame and his tenants of Killaine, and the said Sir Walter, now of Bukcleugh, himself being filed in a bill of Stephen Dun, Englishman,—"for redres of quhilkis billis oure Soverane Lordis plege lyis in England a lang tyme bypast,"—the said Sir Walter, as principal, and the said Sir Johnne, as surety for him, are ordered to relieve the King of the said bills and of the expenses of the said pledge, within three days after the charge, under pain of rebellion, or else to appear upon 1st July next and show contrary cause. Fol. 12, b.

James Schaw of Sauchy, and Robert Mowbray, younger of Barnebowgall, having become sureties to the same effect for Andro Ker

[1] Respecting this important Act, constituting a separate Committee of Council for the affairs of the Borders, see Introduction, pp. liii., liv.

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of Fairnyhirst, and Cuddie's Davie Laidlaw and Ninian Laidlaw of the Hauch, men of the said Andro, being filed in a bill of Thomas Foster of Edderstoun, and Watt Turneble of Hoipisburne, dwelling within the said Andro's bailiary, being filed in the bill of George Wanles of Durtreis, and Raulphe Robsoun of Houstoun, and Ninian Robsoun, his brother, being filed in a bill of Johnne Davesoun of Quhattoun, Englishman, letters are ordered charging the said sureties and principal as above. Similar order to Ker of Fernihirst, Shaw of Sauchy, and the younger Mowbray of Barnbougle.

All landlords and bailies being obliged to relieve the King and his wardens "of all attemptatis" committed by them or their tenants upon Englishmen, and Andro Rutherfurd, son of Williame Rutherfurd of Littleheuch, kinsman and tenant of Johnne Rutherfurd of Hunthill, being filed in a bill of Johnne Davysoun of Quhattoun, Englishman, and Thom Symsoun in Scharperlaw, man to the said Laird of Hunthill, being filed in a bill of Sir Hary Woddringtoun, charge is issued as above. Similar order to Rutherford of Hunthill.

Fol. 13, a.

The late Archibald, Earl of Angus, having become surety for Johnne Turneble of Mynto, Gawen Ellot of the Stobbis, Walter Ker of Littleden, Ritchard Rutherfurd of Edyarstoun, and Hector Turneble of Wauchop, to the effect foresaid, and an Act of Parliament (iii. § 8, p. 463) having extended all obligations made by persons for broken men, pledges, or for the good rule of the Borders and Highlands, to the heirs and successors of their sureties, although no special mention should have been made in their Acts of Caution that they obliged their heirs and successors as well as themselves, and the said Hector Turneble being now tenant and vassal to William, the present Earl of Angus, and being filed in a bill of George Mustian of Barmure, Englishman, and moreover Cuddye's Davie Laidlaw and Ninian Laidlaw of the Hauch, the said Earl Williame's men, being filed in a bill of Thomas Forster of Edderstoun, Englishman, charge is directed to the said Earl Williame, heir and successor of the said late Earl, as *in forma precedente*. Similar order to William, Earl of Angus.

Although Mungo Armstrang in Arkiltoun, Hector Armstrang in Gyngillis, Robert Ellot of Glenvoren, Nicholl Scott in Mespeble, and Andro Scott, called the Braid's Andro, tenants of Johnne, Lord Maxwell, and Alexander, Lord Hume, "standis fylit in the lait attemptat committit at Myndrom in the Eist Marche of England," yet the said Lords will not enter the culprits abovewritten for relief of the King and his wardens, unless they be compelled. The said Lords are, accordingly, charged to enter the persons above specified, their men, before the King and his Council at Halyrudehous upon 1st July next, under pain of rebellion, or else show cause why they should not do the same. Entry of certain persons for the bill of Mindrum.

Fol. 13, b.

Ninian Ellot of Couthwartiscleuch, Archie Ellot of Dogcleuch, Archie Ellot of Westercoit, and Johnne Noble of Hendersonisknow, men and tenants to Sir Walter Scott of Bukcleuch and Watt Scott of Goldelandis, having been filed a long time past in a bill of Johnne Selbyes, Englishman,—"quhairof King and warden is not relevit, quhilk is the cause and stay of meting at the Eist Marche,"—the said Laird of Bukcleuch, as principal, and Sir Johnne Edmestoun of that Ilk, as his surety, and the Entry of certain persons for the bill of John Selbie.

said Watt, who will not enter their said men without being compelled, are charged to present them upon the sixth day after the charge, under pain of rebellion, or else show cause why they should not do the same. Acta penes Marchiarum, etc., ordinem.

Edinburgh, 13th July. Order for enforcing cautions given by certain Border lairds to the late Archibald, Earl of Angus, during his wardenry of the West March.

The late Archibald, Earl of Angus, Warden of the West March for the time, having convened the barons within the said March at Annand, 9th July 1588, the following persons had become sureties, each in £500, for the parties underwritten, that they would appear before the said late Warden at Drumfreis, within 48 hours after being required, "and lay in plegeis for observing of sic generall ordour as suld be sett downe be the King and Counsall, and geving of thair debtfull obedience in tyme cuming to his Hienes, his officiaris and lawes, and to enroll and gif in the names of sic personis as thay will answer for," viz.:—Williame Maxwell, younger of Tynwall, cautioner for Richard Grhame of Rempatrik; Johnne Carrutheris of Kirkwod for Johnne Murray of the Aikket, and David Irwing of Lonewaith, and Edward Irwing of Beraldrone; Johnne Charters of Amysfeild for Watt Irwing of Robgill; James Johnnstoun of Dunskellie for Christie Carrutheris of Dormont, Jonnne Irwing of Murrayisthorne, Edward Irwing, his brother, Geordie Armstrang of Arkletoun, and Andro Batye, called Hew's Andro; James Douglas of Drumlangrig for the Irwingis of Sarkbriggis (except Wattye, the eldest brother); Johnnstoun of Newbye for Ritchie Grhame of Langbriggis, Cubbye Irwing in Langbriggis, and Johnne Johnnstoun of Cummertreis, "his haill sonnes"; Sir Alexander Jarden of Apilgirth for Auld Thom Armstrang of the Gyngillis, Quintene Armstrang, called Pattowne's Quintene, Hectour Armstrang of the Gyngillis, Abye Armstrang of the Gyngillis, and Johnne Batye in Warrik, called Mungo's Johnne. The foresaid persons not having appeared before the late Warden to the effect foresaid, the order now is to charge Maxwell, younger of Tynwall, Carrutheris, younger of Kirkwod, Johnnstone of Dunskellie, Douglas of Dumlangrig, Johnnstoun of Newby, and Jarden of Apilgirth, to enter the said persons before the King and Council at Edinburgh upon 5th August next, under pain of £500 for each of the persons for whom caution had been found in manner foresaid. Fol. 14, a.

Edinburgh, 22nd July. Entry of Johnston of Kirkhill.

Charge to James Johnnstoun of that Ilk, as chief, and to Johnnstoun of Wamfray, as landlord and master, of Johnne Johnnstoun, called Jok of Kirkhill, to enter the said Jok before the King and his Council, upon 5th August, to answer for keeping of "quietnes on the Bordouris," under pain of rebellion. Fol. 14, b.

Edinburgh, 6th Aug. Proclamation of an intended raid of his Majesty to the Borders.

His Majesty, considering the "sindry contemptis and dissobedience standing in divers partes of the realme, and namely in the Bordouris, be personis remaning rebellis for attemptattis aganis the peace and utheris odious crymes, as alsua for caussis civile, quhom in honour his Hienes can not langer suffer to remane unpuneist," intends therefore, God willing, "to se sum executioun be justice and force himselff, and to that effect hes appointit a generall court of justiciarie for all personis complenit upoun within the boundis of the Marches foranent England, to be haldin in the tolbuith of Edinburgh upoun the twenty-fyft day of September nix to

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cum, and immediatlie efter the end thairof to proceid aganis the dissobedientis from the said Court of justiciarie and utheris dissobedientis with a force of his faithfull and gude subjectis, and to persew thame, thair resettaris and manteners, with fyre and sword, and to caus the eschete cornis, cattell, and guidis of rebellis, and the panis and unlawis of thair sureties, to be intromettit with and uptakin to his Hienes use, and the stanehoussis of thame that sall continew dissobedient to be raisit and cassin downe to the ground, as a memorie of thair obstinacie and contempt." That his Majesty may be "substantiouslie accompaneit in executioun of the premissis," proclamation is ordered at Coupar in Fyff, Kynros, Clakmannan, Striveling, Linlythgow, Edinburgh, Hadingtoun, Dunse, Jedburgh, Selkirk, Peobles, Lanerk and Drumfreis, charging all the fencibles, between 60 and 16 years, dwelling to landward, to meet his Fol. 15, a. Highness, "weill bodin in feir of weir," at Peobles upon 1st October next, provided with victuals for 20 days.

Act for uplifting forfeited cautions of five sureties in the West Marches.

Recapitulates the Act of 13th July last (*ante*, p. 794), save that the names of James Douglas of Drumlangrig and Johnnstoun of Newbye and of the persons for whom they had respectively become sureties are now omitted, and that the name of Johnne Charteris of Amysfeild, which does not appear in the summons of the first Act, is inserted in the summons of the present,—which is to the effect that, the sureties Fol. 15, b. named having neither entered the persons for whom they had become bound nor appeared themselves to show why they did not do so, the King, with advice of his Council, decerns them, viz.: William Maxwell, Johnne Carrutheris, James Johnnstoun, Johnne Charters, and Sir Alexander Jarden, to have incurred the said pains of £500 for each of the above persons for whom they had become surety, and orders letters of poinding and horning be directed against them for the same.

Edinburgh. 10th Aug. MacBrair of Almagill against Carruthers of Holmains.

Fol. 18, a. Supplication by Robert Makbrair, apparent of Almygill, sets forth that he is charged to find caution that he shall relieve the King and his wardens for "all attemptatis" committed by those dwelling on the lands of Almygill, under pain of rebellion. Now, he ought not to be "burdynnit" to find the said caution, because, he being a minor and the said lands being held in ward and relief, his Majesty disponed the ward and nonentry thereof to Johnne Carrutheris, younger of Holmendis; who, therefore, should be answerable for the persons dwelling on the said lands during the ward and nonentry of the same, "seing upoun his richt he may Fol. 18, b. sufficientlie remove the saidis tennentis"; and so the petitioner should be free of all finding of caution for the said persons.—Both parties appearing personally, the Lords decern and ordain Carrutheris, donator to the ward and nonentry of the said lands, to relieve the King and his wardens as above during the time of the said ward and nonentry only, and therefore declare the complainer absolved during the said space.

Alexander Jardine, younger, of Applegirth, against certain Armstrongs.

Supplication by Alexander Jarden, younger of Apilgirth, as follows:— Archie Armstrang, called Sandye's Archie, the sons of Rinyane Armstrang, called Sandye's Rinyane, Geordie Armstrang of Catgill, Sym of Logane,

and his brothers, accompanied by many Scotsmen and Englishmen, had come, upon 5th instant, "in weirlike maner," to the complainer's lands of Dryff, "quhair aforenone they ran a forray, and violentlie reft and away-tuke the nowmer of ane hundreth nolt, with sex horse, pertening to the said compliner and his tennentis of the saidis landis, and hurt and woundit himselff to the effusioun of his blude in great quantitie." The said Ninian Armstrang is now in the hands of Johnne, Lord Maxwell; and Williame, Lord Hereis, had become bound to the warden of the West March for the time for the said Archie's good behaviour; but, unless order be taken, the complainer will obtain no redress.—The Lords of Secret Council ordain Johnne, Lord Maxwell, steward of Annerdale, Johnne Carmychaell of that Ilk, warden of the West March, and the provost and bailies of Drumfreis, to detain the said Ninian Armstrang of Auchinbadrig, now in ward in the pledge chamber of Drumfreis, and not to release him without lawful warrant "eftir that this complaint is redressit," under pain of redressing the complaint with their own goods. Also, Williame, Lord Hereis, who had given his band to the said Carmichaell for the said Archie, is commanded to enter him before the Council in the tolbooth of Edinburgh upon 1st September next, under pain of £1000, or else to show cause why the same should not be done. In like manner, Lord Maxwell, as landlord of the sons of the said Ninian Armstrang of Auchinbadrig, George Armstrang of Catgill, Sym Grhame of Logane, Will Armstrang, called Will of Kynmonth, and Fergy Armstrang of Kirkheid, principals of the clan and branch, committers of the said "attemptat," is charged to enter them before the Justice in the tolbooth of Edinburgh on the said day to answer to the said complaint. Finally, Andro Murray of Arngosk, keeper of Armstrang, son of the said Fergye, is commanded to appear before the Council to hear himself decerned to have incurred the said pain of £2000 for letting the said Armstrang to liberty.

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Fol. 19, a.

Edinburgh, 14th Aug. General proclamation of regulations for peace on the Borders.

"Forsamekle as, for the bettir mantenance and preservatioun of the peace and amytie betuix the realmes of Scotland and England, redres of unlauchfull attemptatis alsweill committat in England aganis the peace as aganis his Majesties awin gude, obedient and peciable subjectis within the realme of Scotland, and puneisment of avowit thevis and contemptuus rebellis, the King's Majestie, with avise of his Secrete Counsale, following the executioun of the Act of his lait Parliament for the quieting and keping in obedience of the disorderit subjectis, inhabitantis of the Bordouris, Hielandis and Iles [Acts, iii. 461–467], hes movit the maist part of the landislordis and baillies of the landis on the Bordouris and in the Hielandis quhair brokyn men hes duelt, or presentlie duellis, to find cautioun and souertie, landit men in the in-cuntrie, for releving of his Hienes and his wardanis at the handis of the English wardanis, for all the saidis unlauchfull attemptatis aganis the peace, and to mak thair men, tennentis and servandis answerable to justice, conforme to the lawes of this realme and general band, and hes ordanit the dissobedientis to be denuncit rebellis and put to the horne in cais thay find not the lyke souirtie betuix

Fol. 15, b.

Fol. 16, a.

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and the tent day of September nix to cum: And, sen it is expreslie statute be the said Act of Parliament that the suretye maid be landislordis and baillies sall not be prejudiciall nor stop the suretye to be maid be the chiftanes and principallis of clannis nor be the contrair: Ordanis letters to be direct, chargeing the capitanis, cheiffis, and chiftanis of all clannis, and the principallis of all bransches of the saidis clannis, duelland upoun the landis of divers landislordis and depending upoun the directionis of the saidis capitanis, cheiffis and chiftanis (be pretens of blude or place of thair duelling), to entir sic personis plegeis as salbe nominat in his Hienes letter, to be directit to thame upoun fyftene dayes warnyng, before his Hienes Secrete Counsale, to be placit as his Majestie sall think convenient for keping of gude rule in tyme cuming, according to the conditions quhairunto the baillies and landislordis ar subject, under the pane of executioun of the saidis plegeis to the death, in cais of transgressioun and not redres maid be the personis offendouris for quhom the saidis plegeis lyis, under the pane of rebellioun, and gif they failyie to denunce, etc. And that letters be direct charging all vagabundis and maisterles men to find souirtie to underly the law the thrid day of the justice air, or sonar on fyftene dayes warnyng, or failyeing thairof to be denuncit rebellis and fugitives, and thair resettaris persewit thairefter quhill they be apprehendit and puneist for thair demerites, and the parties skaithit to have competent actioun, civile or criminall, aganis the magistrattis or utheris within quhais boundis, jurisdictioun or pouer sic vagabundis or fugitives ar wittinglie ressett, according to the said Act of Parliament. And that letters be direct to the Schireffis of Beruik, Roxburgh, Selkirk, Peoblis, Drumfreis, and stewartrie of Annanderdale, chargeing the souirties found to the thrid day of the air, on sonar on fyftene dayes warnyng, sen the first day of November 1585, for all personis within their jurisdictionis respective, to entir thame befoir the Justice or his deputis in the tolbuith of Edinburgh upoun the xxv day of November nix to cum, to underly the law for the crymes contenit in the letters quhairupoun they were first callit or indytit, or gevin or to be gevin in dittay aganis thame, and to warne all compliners to compeir the saidis day and place and persew the personis to be impannellit; and, to that effect, to summond assises unto thame that knawis thame culpable of the crymes quhairof they are to be accusit; with certificatioun that they sall incur the skaith and blame themselffis gif, in thair default and negligence, the giltye personis salbe acquite and escape puneisment. And, becaus thair is a great nombre standing denuncit rebellis and at the horne within the saidis boundis,—sum of thame landit men, and utheris for dissobedience to his Hienes authoritie for criminall causis, sum as fugitives, nother thair landislordis nor nane utheris offering to be cautioners that they salbe answerable to his Hienes lawes, and sum for civile caussis,—thairfoir ordanis all thair names to be collectit and publischit at the mercat croces of the heid burrowis of the saidis schirefdomes and stewartreis, admonising thame that, betwix and the said tent day of September nix to cum, thay mak thair obedience to

Fol. 16, b.

his Hienes and his authoritie, be obtenyng of thame orderlie relaxt fra the proces of horne, according to the lawes and custume of the realme, be satisfactioun of parteis and his thesaurar for thair eschetis; certefeing thame, and thay failyie, the said day being bypast, that thay salbe persewit, as publict inymeis to his Hienes and the commoun weill, with fyre and sword and all uther extremitie, thair cornis and guidis salbe rigorouslie mellit and intromettit with, or disponit to thair gretest unfreindis, and the stanehoussis of the landit men cassin downe to the ground, and thair personis exponit in prey not only to the ordinar jugeis, bot to all that will slay them, or to tak and bring thame to justice. And, in the meyntyme, that the saidis shereffis and stewartis, and thair deputis, arreist and mak inventar of the cornis, cattell, guidis and dettis of the saidis rebellis; scheir, wyn and stak the samyn upoun the expenssis thairof; as alsua arreist the maillis, fermis, proffites and deweties of thair landis and teindis, and hald thame under arreistment quhill the same may be convenientlie uptakin and imbrocht to his Hienes use,—at leist ay and quhill sufficient cautioun and souirtie be found that the same salbe furthcumand to his Hienes and his thesaurar as law will; and to charge the landislord and baillie upoun quhais ground, or within quhais pouer and jurisdictioun, the saidis escheit cornis, cattell and guidis ar or salbe arreistit as said is, to answer for the same, efter the forme and tennour of the generall band, and under the panis contenit in the same; and that na maner of persoune presume or tak upoun hand to resset, supplie or intercommoun with the saidis rebellis and thevis, fugitives, dissobedient to his Hienes authoritie or lawes, or gif thame meit, drink, house or herbrie, or mell or intromet with thair cornis, cattell, guidis or debttis, or ressave the same in custodie or keping in defraude of our Soverane Lord and his eschete: with certificatioun to thame, and thay failyie, or gif ony of the escheit guidis salbe found hurdit and concelit amangis thairis, all salbe exponit in prey togidder in exemple of utheris. And further, becaus divers, being accusit of crymes in the courtis bygane, come in his Hienes will thairfore, and fand souirties to satisfie the same will, thairfore ordanis letters to be direct chargeing the saidis personis that come in will to compeir befoir the Justice and his deputis in the tolbuith of Edinburgh the said xxv day of September nix to cum, to heir and se his Hienes will declarit, under the pane of rebellioun and putting of thame to the horne; with certificatioun to thame, and thay failyie, thay salbe denuncit rebellis, and letters of poinding and horning salbe directit aganis thair saidis souirties for satisfactioun of the said will. And, mairouer, in respect that a gude nomber of personis, in the former justice courtis, fand souirties that thay suld compeir befoir his Justice or his deputis the thrid day of the nixt justice air of the schire, or sounar upoun fyftene dayis warning quhen or quhair it sall pleis oure Soverane Lord, and underly the lawes for all crymes that can be laid to thair charge, ilk persoun under the pane of ane hundreth pundis, and that thay suld abstene fra thift, resset of thift, and maisterfull opressionis in tyme cuming, under the pane of ane

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hundreth pundis how oft thay failyie: thairfore, ordanis the names [of them] that hes fund the said souirtie, with thair souirteis, to be publeist and procleamyt at the mercat croces of the heid burrowis within the Marches and utheris places neidfull, and to warne and admonise all his Hienes liegis quhomeunto thay have offendit to gif thair complaintis and dittayes to the Justice Clerk and his deputis, that thay and thair souirtie may be arreistit and chargeit, and assises summond in tyme, certefeing thame that failyeis that thair skaith and want of redres of thair guidis salbe impute to thameselffis. And, finalie, letters to command and charge all and sindrie his Hienes liegis that knawis ony Scottis thevis to have bene tane and lettin to libertie be quhatsumevir his liegis sen the first day of November 1585, that thay dilait and gif up thair names in dittay to the Justice Clerk and his deputis betuix and the tent day of December nix to cum, to the effect that thay may be callit to the said Justice Court, and justice ministrat upoun thame, as accordis of the law."

Act anent titles of ownership to the Debateable Lands and others in the West March.

The lands sometimes called Debateable, lying within the West Marches, being now possessed by divers persons disobedient to the laws,—"incertane to his Hienes be quhat richt and title, nor quhat landislordis and baillies salbe chargeit for the obedience of the personis occupeing the saidis landis, albeit sindry pretendis heritable rycht and title to the saidis landis,"—for remedy, his Majesty, with advice of his Council, has resolved that the said lands, and also the lands of Cannabye, adjacent thereto, now annexed to the Crown, shall be "sett heritablie or in lang takkis or rentale" to such persons, "maist honest and responsale," as will make the inhabitants of the said lands answerable to the laws in time coming. Accordingly, the following persons, viz.,—William, Lord Hereis, pretending heritable title to the lands and barony of Mortoun-Hereis, Hary Stewart of Rossyth, to the lands and barony of Kirkcanders, Alexander Glendonyng of Partoun, to the lands and barony of Barntallo, Andro, Commendator of Jedburgh, to the lands and barony of Cannabye,—as also Sym Armstrang of Mangertoun, Lancy Armstrang of Quhithauch, George Armstrang of Arkiltoun, Sym Armstrang of Quhiteside, Hector Armstrang of Harlaw, David Armstrang of Wodhouslyes, Cristell Armstrang of Barnegleis, called Johnne's Christie, Ninian Armstrang of Bireburne, called the Laird's Ninian, Cristie Armstrang, called Pattown's Cristie, in Brumeholme, Cristie Armstrang of Auchingavill, Will Armstrang, called Will of Kynmonth, Ninian Armstrang of Auchinbadrig, Arthure Grhame of Blawatwod, Frances Grhame in Cannabye, Johnne Grhame, called the Prior's Johnne, there, Ritchie Grhame of Rempatrik, present possessors of the lands of Cannabye and the Debateable Lands of Quhitbyside, Hairlaw, Orchertbek, Tanellawin, Selyholme, Cruikhoill of Hairlaw, Schank of Hairlaw, Westsyde of Hairlaw, Claycleuch, Rowanburne, Irwingsyde, Wodhouslies, Grystoull, Glynyear, Mortoun, Monkbehirst, Flichtis Steding, Glencawartisholme, Wodheid, the bounds between Irwingburne and the Hoilhous, Neyther Thornyquhat, called Kinkookky, Brintscheilhill, Byreburne, Wabredhill, Albyrig, Greneburne, Hardensyde,

Fol. 17, b.

Barnegleis, the bounds between the Orchertbek and Rowanburne, Hoilhous, Stubholme, Thornequhat, Bellisholme, Auchinbadrig, Catgill, together with others claiming, either by "heretable richt, takkis, rentale, possession or kyndnes," the said lands of Cannaby or Debateable Lands,—are ordered to be charged, by proclamation at the market crosses of Edinburgh, Drumfreis, and other places needful, to appear before the King and Council upon 26th September next, bringing with them such evidents as they have for the said lands, "and to mak sic honest and gude offers for new title and richt to be maid unto thame of sic partes of the saidis landis as they cleame to the possessioun and kyndnes unto, and to mak suretie for the obedience of thameselffis and utheris the inhabitantis thairof to his Hienes and his authoritie: certefeing thame that failyeis and comperis not, the landis and rowmes now cleamyt and possest be thame salbe sett to utheris that will promise, undertak, and mak gude suretie to mak the inhabitantis of the same landis obedient to his Hienes and his authoritie, and the dissobeyaris salbe perpetually secludit thairfra in tyme cuming." Acta penes Marchiarum, etc., ordinem. Fol. 18, a.

Charge to the Sheriff of Dumfries and others to take action against vagabonds and masterless men.

"Forsamekle as, efter all diligence done alsweil aganis landislordis and baillies as aganis the chiftennes and principallis of clannis, thair is a nowmer of vagabundis unplegeit or answerit for be thair landislordis or baillies, it is thairfore statute and ordanit be Act of Parliament that all sic vagabundis, maisterless and unanswerable men, sal be persewit and put under suretye in maner following: thairfore ordanis letters to be direct to the schireff of Drumfreis, stewart of Annerdale, coronellis of Drumfries, Eskdale, Ewisdale, Wauchopdale, Annerdale, and landis sumtyme callit Debatable, and thair deputis, and to messingers, schireffis in that pairt, chargeing thame to pas and tak sicker souirtie of, etc., vagabundis, maisterles and unanswerable personis, that they sall compeir and underly the law for all crymes that may be laid to thair charge, under the panes contenit in the Actis of Parliament, and to charge thame, personalie gif they can be apprehendit, and failying thairof be oppin proclamatioun at the mercat croces of the heidburrowis of the schire quhair they hant, or heidburrowis of the twa nixt schires in the Lawland *ubi non patet tutus accessus*, to cum and find the said souirtie to thame within sex dayes efter the charge, under the pane of rebellioun, etc., and, gif the failyie, to denunce etc. and escheit etc.; and als, to summond ane assise heirto, ilk persoun under the pane of fouretye pundis: with certificatioun that, gif the saidis personis, for thair contempt and inobedience, sal be denuncit rebellis fugitives and put to the horne, that they and thair ressettaris salbe persewit thairefter quhill they be apprehendit and puneist for thair demerites, and that the parteis skaithit sal have competent actioun, civile or criminale, aganis the magistrattis or utheris within quhais boundis, jurisdictioun or pouer sic vagabundis and fugitives ar wittinglie ressett, with the guidis stowin or reft in thair passage, remaning or departing". Fol. 19, a. Fol. 19, b.

"Forsamekle as thair is a great nomber standing denuncit rebellis and at the horne within the boundis of the schirefdome of Roxburgh, some

Acta penes Marchiarum, etc., ordinem.

of thame landit men and utheris for dissobedience to oure Soverane Lord and his authoritie for criminall causis, sum as fugitives, nother thair landislordis nor nane utheris offering to be cautioners that they salbe answerable to the lawes, and sum for civile caussis, quhais names ar ordanit to be collectit and publicit: thairfore, ordanis letters to be direct to the shereff of Roxburgh and his deputis, and to officers of armes, shereffis in that part, chargeing thame to pas to the marcat croce of Jedburgh and utheris places neidfull, and thair, in his Hienes name and authoritie, mak intimatioun and publicatioun of the names of the saidis rebellis, admonising thame that, betwix and the tent day of September nix to cum, they mak thair obedience to his Hienes and his authoritie, be obtenying,"—[the rest running on in the words of part of the previous more general Act of the 14th of August (*ante* pp. 796-9) from "be obtenyng" to "exponit in prey togidder, in exemple of utheris," with only a word or two of formal difference, occasioned by the conversion of that part of the former Act into the present charge].

Charge to the Sheriff of Roxburgh and others to give admonition to the rebels within their bounds in terms of a portion of a previous general Act.

Fol. 20, a.

Ordained that the sureties now found or to be found by the landlords and bailies on the Borders "sall not be burdynnit with the conditionis for quhilk they becum cautioun during the tyme of denuncit weris betwix the realmes of Scotland and England, providing that, eftir the weris be endit and peace maid, the saidis souirteis sall stand bund and burdynnit as of befoir."

Edinburgh, 16th Aug. Anent caution found or to be found in time of war.

The King, with advice of his Council, declares that the "kyndnes" of ony persons inhabiting tacks, steadings, and lands within the Marches shall not be transmissible without consent of the landlords of the ground; that all buying and selling of such kindnesses, "wantand the allowance and consent of the landislordis heretouris," are null; and that the master, landlord or bailie of any "cheif byar" of such kindness, although he dwell not on the ground of the land bought, "sallbe subject to redres the wrang at the instance of the heritour of the ground," according to the Act of Parliament (Acts iii. pp. 461–467).

Ordinance anent "kyndnes."

Fol. 20, b.

For relief of landlords and bailies who have found or shall find surety to relieve the King and his wardens and to make their men answerable to justice, it is ordained that such persons as the said landlords and bailies shall give in bill, being their vassals, tenants or servants, shall find caution that they shall keep the said landlords and bailies skaithless of the said surety found by them, within 15 days after the charge, under pain of rebellion.

Act for the relief of landlords and bailies.

In respect of the caution now found by Johnne, Lord Maxwell, for relief of the King and warden, and making his men answerable to justice, it is declared that he shall be freed of the band made to his Majesty in September 1589 under the pain of £100,000 (*ante* p. 412),—the surety now found extending only to Lord Maxwell's men dwelling in Eskdaill, Ewisdale, Wauchopdale, and Annerdale.

Lord Maxwell to be free of his band made last year.

Order to charge Sir Johnne Carmichaell of that Ilk, warden of the West March, and all other keepers of the fortalice of Langholme, to render the same to Johnne, Lord Maxwell, within six days after the charge, under

Order for the delivery of the fortalice of Langholm to Lord Maxwell.

pain of rebellion, to be kept by him for the better rule of the country of Eskdale, Ewisdale, and Wauchopdale, provided that, whenever the said warden shall repair to the Langholme for the King's service in the said office of wardenry, the said house shall be open to him "for his resset and ludging thairin." Acta penes Marchiarum, etc., ordinem

Edinburgh, 2nd Sept. Protest in favour of Lord Maxwell, in an action against him by Jardine, younger of Applegirth.

James Rig, servant to Johnne, Lord Maxwell, appears before the King and Council and produces a copy of letters, of date 10th August 1590, raised by Alexander Jardane, younger of Apilgirth, charging the said Lord, as steward of Annanderdale, to detain Ninian Armstrang of Auchinbadrig, "being in ward in the plege chalmer of Drumfreis," till the complaint given in by the said Alexander, touching the "awaytaking fra him and his tennentis of certane nolt and horse, and hurting of himselff," be redressed, and also charging the said Lord, as landlord of the sons of the said Ninian, and of George Armstrang of Catgill, "committers of the attemptat," to present them for trial in the tolbooth of Edinburgh upon 1st September instant. The pursuer failing to appear, Rig, in name of the said Lord, protests that he shall not be held to answer farther in the said matter till again charged and his expenses paid: "quhilk protestatioun the saidis Lordis admittit." Fol. 21, a.

Holyroodhouse, 4th Nov. Charge to the Earl of Angus and others to relieve the King and his warden of certain English bills against Border culprits.

The King, with advice of his Council, ordains letters to be directed charging (1) Williame, Earl of Angus, and Ritchard Rutherfurd of Edzarstoun, as landlords of Ninian Laidlaw of the Hauch or Heuch, and Patrik Douglas of Kinspindye, as surety for the said Earl, and the said Earl as heir and successor of the late Archibald, Earl of Angus, last deceased, who had been surety for the said Ritchard, to present the said Ninian before the King and Council, to be delivered by them to the opposite warden for the relief of his Highness and his warden for the bill of Thomas Forestar of Edzarstoun "fylit be [?upon] the said Ninian be the commissioners at Beruik"; (2) Sir Johnne Edmestoun of that Ilk, as surety for Sir Walter Scott of Branxholme, to relieve the King and his warden of the bill of Sir Thomas Gray and his tenants of Killane, filed upon Archie Ellot of Dokcleuch, the said Sir Walter's man, and also of the bill of Stephin Dun, Englishman, filed upon the said Sir Walter himself; (3) Johnne Rutherfurd of Hunthill, as landlord of Thomas Smysoun in Scharperlaw, to relieve the King and warden of the bill of Sir Hary Wothringtoun, Englishman, filed upon the said Thomas by the said commissioners,—all within six days after charge, under pain of rebellion, with the alternative of appearing and showing cause to the contrary. "Sic subscribitur: JAMES R." Fol. 21, b.

Holyroodhouse, 16th Dec. 1590. Charge to a number of Highland landlords and heads of clans to find caution for

By the Act of Parliament passed in July 1587 (Acts, iii. 461–467) all landlords and bailies on the Borders and in the Highlands on whose lands broken men dwell are required to find sufficient sureties, within 15 days after being charged, under pain of rebellion, that they, and all for whom they are bound to answer by the general band, shall keep good rule in the country, and also that they shall make themselves and their men answer-

Acta penes Marchiarum, etc., ordinem.

able to justice. Accordingly, the following persons are ordered to find caution to the effect foresaid, in the sums aftermentioned, within 15 days after the charge, under pain of rebellion, viz.:—Lauchlane M°Yntosche of Dunnachten, in £10,000; Colene M°Kenzie of Kyntale, in 20,000 merks; Mr Hector Monro of Fowles, in 10,000 merks; Alexander Ros of Balnagowne, in £10,000; Torquile M°Cloyd of the Lewis, in £10,000; Alexander Chesholme of Cummer, in £2000; James MakConile Glas, in 5000 merks; Angus Williamesoun, in 5000 merks; Thomas Stewart of Grantully, in £5000; Donald Robertson of Strowane, in £5000; Alexander Menzeis of that Ilk, in £5000; Johnne Tarlochsone, in £2000; George Robertsoun of Fastcalyie, in £3000; Baron Fergusoun, in £3000; Baron Comerye, in £2000; Hutcheoun Ros, baron of Kilraak, in £5000; Patrik Dumbar, Sheriff Wardatar of Murray, in £5000; Johnne Dumbar of Moynis, in £5000; Sir Duncan Campbell of Glenurquhy, in 20,000 merks; Johnne Campbell of Lawers, in £5000; Patrik, Lord Drummond, in 20,000 merks; James, Commendator of Incheffray, in 10,000 merks; Sir Johnne Murray of Tullybardin, in 20,000 merks; Johnne, Earl of Montrois, in £20,000; James, Earl of Murray, in £20,000; William, Earl of Menteith, in 20,000 merks; James, Earl of Glencarne, in £20,000; Coline Campbell of Ardweith, in £5000; William Schaw of Knokhill, in £3000; Hary Schaw of Cambusmoir, in £3000; Sir Archibald Naper of Edinbilly, in £5000; David Halden, tutor of Glenneges, in £5000; Johnne Murray of Strowane, in £3000; Reidheuch of Caltevragan, in £2000; Mr William Murray of Uchtertyre, in £2000; Sir Archibald Sterling of Keir, in £5000; Buchannan of Lany, in £2000; Alexander, Master of Levingstoun, in £5000; Sir James Chesholme of Dundorne, in £5000; Ewir Campbell of Straquhir, in £2000; Johnne, Earl of Gowry, in £5000; David M°Duff of Fandowy, in £2000; Sir Johnne Campbell of Caddell, in £5000; Alexander Cummene of Alter, in £2000; James Dunbar of Tarbett, in £2000; Johnne Grant of Frewchy, in £10,000; Symon, Lord Lovett, in £10,000; Alexander, Earl of Sutherland, in 20,000 merks; George, Earl of Caithness, in £20,000; MacKy of Farr, in £10,000; Torquill Makcloyd of the Lewis, in £10,000; Rory MakCloyd, tutor of Harrich, in 10,000 merks; Lauchlan M°Ynnone of Strathoradell, in £2000; Gillecallum of Raarsay, in £2000; Sir Patrick Gordoun of Auchindoun, in 20,000 merks; Thomas Gordoun of Cluny, in £10,000; William Gordoun of Geicht, in £10,000; Alexander Gordoun of Abiryeldye, in 10,000 merks; William Gordoun of Auchindoir, in 5000 merks; George Gordoun of Lesmoir, in 20,000 merks; James Creichtoun of Frendraucht, in £11,000; Alexander Seytoun of Meldrum, in 10,000 merks; Andro Meldrum, tutor of Fyvie, in £5000; Johnne Leslie of Balquhane, in £10,000; Robert Innes of that Ilk, in £10,000; Robert Innes of Innermarkye, in 10,000 merks; Alexander Cummene of Ernesyde, in 5000 merks; William Kynnard of Cowbyn, in 5000 merks; and Donald Gorme of Slete, in 10,000 merks.

good rule in their districts, as by Act of Parliament.

Fol. 22. a.

Fol. 22, b.

Although certain persons, within the Middle and West Marches and

Holyrood-house, 6th Jan. 1590–91. Charge to the Wardens of the middle and west marches and others to present, for the King's relief, certain offenders filed in English bills.

Liddisdale, had been filed by the last Commissioners at Beruik, in February 1587, in six bills for "attemptattis" committed against English subjects dwelling on the Middle Marches (viz., the bills of Hedingbriggis, Fethirstounhauch and Bittillisdene, Prendikis and Hary Colingwod, Jenkene Huntar, Cristiane Fennik, and Thorneburne), and although certain persons were filed in presence of Johnne, Lord Hammyltoun, lieutenant and justice for the time, at Jedburgh, in April last for the "attemptat" committed at Myndrome in the English East March while his Majesty was in Denmark, yet "nother the principall personis of offendouris that are fylit in the saidis billis respective, nor his Hienes wardanis within quhais offices the saidis personis offendouris dwellis, nor sic as ar obleist in band to mak thame answerable for his Hienes releif, nor thair maisters and landislordis and thair suretyes, will entir thame for releif of his Hienes and his Wardanis of the saidis bills," notwithstanding the divers charges already issued to that effect. Accordingly, order is now given to charge the following, viz.:—Francis, Earl Boithuile, landlord and keeper of Liddesdale, and James, Earl of Murray, as surety for him; Johnne, Lord Maxwell, and Johnne Maxwell of Neddir Pollok, as surety for him; Alexander, Lord Hume, and George Hume of Woddirburne, as surety for him; Williame Ker of Cesfurd, Warden of the Middle March; Sir Johnne Carmychaell of that Ilk, Warden of the West March; Andro Ker of Fairnyhirst, and James Schaw of Sauchy, as surety for him; Walter Chesholme of that Ilk, and Robert Scott of Hanyng and Walter Carnecors of Lugat, as sureties for him,—to appear before the King and Council on the 22nd instant, and present the offenders underwritten, filed in the said English bills:—(1) Earl Boithuile and Earl of Murray, to enter Sym Armstrang of Mangertoun, Sym Armstrang, younger of Quhithauch, Johnne Armstrang, called Kynmonth's Jok, Will Ellot of Haitscarth, Archie Ellot, called Marten's Archie, Archie Ellot of the Hill, Archie Armstrang of Quhithauch, Ninian Armstrang of Tweden, Andro Armstrang and Frances Armstrang, sons of Lancy of Quhithauch, Alexanders, Archie Armstrang, Hector Armstrang of Twedane, Thom Armstrang of Copschaw, Will Ellot of Gorrumberry, Johnne Armstrang, called the Laird's Jok, David Ellot, called the Carling, Symm's Thom Armstrang, Hob Armstrang of Quhithauch, Adie Ellot of the Schawis, Sym Armstrang, called Rakkas, Johnne Armstrang, his brother, Anthony Ellot of the Benkis, brother-son of Martine, Johnne Ellot of Heuchhous, Johnne Ellot, called Bowholmes, Archie Ellot, brother of Will of Fallinesche, Archie Crosar, called Quinten's Archie, Johnne Croser, brother-son of Martine, Martine Crosar of Bastanley, George Nikson, son of Will of Calleley, Johnne Niksoun of Layrestenburne and Mark Turneble of Neddir Bonchester; (2) the said Lord Maxwell and Maxwell of Neddir Pollok, to present Johnne Armstrang, called Kynmonth's Jok, Andro Armstrang, son of the Laird of Quhithauch, Hector Armstrang of the Hilhous, George Armstrang of Arkiltoun, Johnne Baty of the Scoir or Nichoill's Johnne, Will Armstrang, called Kynmonth, old Thom Armstrang of the Gyngillis, young Thom Armstrang of the Gyngillis,

Acta penes Marchiarum, etc., ordinem.

Fol. 23, a.

Acta penes Marchiarum, etc., ordinem.

Hector Armstrang, his brother, Adie Armstrang, his brother, Thom Armstrang, called Rowei's Thom, Mungo Armstrang in Arkiltoun, Hector Armstrang of the Gyngillis, Robert Ellot of Glenvorane, Nicoll Scott in Mespeble, and Andro Scott, called the Braid's Andro; (3) Lord Hume and Hume of Wodderburne, to present Andro Armstrang, son of the Laird of Quhithauch, George Armstrang of Arkiltoun, Mungo Armstrang, his son, Robert Ellot of Glenvorane, Nichol Scott in Mespeble, and Andro Scott, called the Braid's Andro; (4) the said Ker of Cesfurd, to present all the said persons dwelling within the Middle March, and Carmichaell, those residing within the West March,—the last also, as surety, to present the said Mungo Armstrang in Arkiltoun; (5) Ker of Fairnyhirst and Schaw of Sauchy, to present the said Mark Turneble in Nethir Bonechester, as dwelling within his bailiary of the Abbey of Jedburgh; (6) Will Ellot of Fallinesche and Waltir Chesholme of that Ilk, and their said sureties, to present the said Archie Ellot, brother of the said Will.—The said principals and their sureties are required to enter the offenders above written before the King and Council upon the said day in order that they may be delivered to the English wardens for relief of the King and his wardens, with certification that, if they fail, they themselves shall be decerned to relieve our Sovereign Lord and his officers of the said bills; and, if the principals and their cautioners fail to appear themselves, they are to be denounced rebels.

Fol. 23, b.

Holyroodhouse, 12th Feb. 1590-91. Charge to Lord Maxwell and Lord Hume and their sureties anent the six English bills and the bill of Myndrum.

For surety of relief of the persons entered for redress of the six English bills filed at the Middle March by the Commissioners against Liddisdale, and also for relief of the King and his wardens "of the attemptat committit at Myndrome," Johnne, Lord Maxwell, had become bound, in presence of his Highness, to cause Jok Armstrang, son of Will of Kynmonth, Hector Armstrang of Hilhous in the Kirktoun of Ewisdale, George Armstrang of Arkiltoun, Johnne Batesoun, called Johnne of the Score, Will Armstrang, called of Kynmonth, young Thom Armstrang of the Gyngillis, and Adie Armstrang, his brother, to make redress for the "partes of all thair steilfellowis" dwelling upon the said Lord's lands; also, Alexander, Lord Hume, had become bound that he "suld gar his men fylit in the saidis billis,"—viz., Robert Ellot of Glenvorane, Archie Armstrang, son of the Laird of Quhithauch, Nicholl Scott in Mespeble, and Andro Scott, called the Braid's Andro,—answer for all their other steelfellows dwelling upon his lands; and, for greater surety of the said relief, the said Lords Maxwell and Hume had promised to enter the persons abovewritten, their tenants and servants, to Frances, Earl Boithuile, great admiral of this realm, at Kelso upon 4th February, "to be kepit be him in his strenth, ay and quhill a perfyte suretye wer maid unto him for releif of the personis that suld be enterit for the saidis billis that thay ar fylit in respective, saulffand that it suld be lauchfull to the said Erll Boithuile to entir and deliver in England ony ane of the saidis twa Scottis of Ewisdale foule in the said bill of Myndrome as suld happin ayther of thame be loitt to fall to be enterit

thairfore, and that the saidis steilfellowis suld not only mak releif of thair partes of the saidis billis, bot alsua of the expenssis of the personis that suld be deliverit thairfore." Now, although Earl Boithuile entered his own men of Liddisdale for redress of the said six bills, and also offered to present so many of his men as were appointed to be delivered for redress of the bill of Myndrome, yet Lords Maxwell and Hume have failed in entering their men above specified to the said Earl, whereby his men remain unrelieved and the said bill of Myndrome "as yit undeliverit for." Therefore, the King, with advice of his Council, ordains letters to be directed charging Lord Maxwell, and Johnne Maxwell of Neddir Pollok, as surety for him, and the said Lord Hume, and George Hume of Woddirburne, as surety for him, to relieve his Majesty and his wardens, with the persons entered for the said bills, of the same bills, and also of the expenses of the persons entered for redress thereof, within six days after the charge, under pain of rebellion, or else to appear upon 24th instant before the Council, bringing with them and entering the said persons, tenants of Lord Maxwell and Lord Hume.

Acta penes Marchiarum, etc., ordinem. Fol. 24, a.

Edinburgh, 11th Aug. 1591. Decree against Douglas of Coshogle, who has complained of being illegally charged with certain payments as surety for Johnston of that Ilk.

Complaint by Robert Douglas of Coschogill, as follows:—Having become surety for Sir James Johnnstoun of that Ilk that he would relieve the King and his wardens for "all attemptattis" committed by Sir James or such as he is "debtbund to mak answerable," he is charged by two letters, the one raised by Ninian Heislop in Castelcavill, to pay the said Ninian the sum of 26s. 8d. as the price of each sheep of six score and nine stolen from him by Pait Moffet of Cammok, and the other raised by Johnne Aslowane in Ingarstoun, to pay to the said Johnne 26s. 8d. as the price of each of three score and two lambs stolen by Johnne Johnnstoun, called the Chapman, Geordie Johnnstoun, called the Chump, and Johnne Carrutheris in Locarbye, at "Fasteransevin" in 1589, and of four score six sheep stolen by them from the lands of Ingarstoun in May 1590,—the said payments to be made within a certain time, under pain of rebellion. Now, the complainer is obliged only for the good rule of the said Sir James's men dwelling upon his lands, and the foresaid persons are not Sir James's men or tenants, nor do they dwell upon his lands. Hence, he cannot be made to answer "for ony of thair mysrules or attemptattis." Nevertheless, in case it shall be found that the persons foresaid are Sir James's men or tenants, or any for whom the complainer is responsible, he has found caution to pay to the said persons the sums abovewritten. Meanwhile, he prays that the said letters be suspended.—The complainer appearing personally, the defenders appear by George Campbell, their procurator, who produces an Act of the justice court held in the tolbooth of Drumfreis, upon 16th November 1590, by Sir Johnne Carmichaell of that Ilk, warden and justice, bearing that the said Sir James, master of the said Pait Moffett of Cammok, had become surety to the said Ninian for payment of the said six score of sheep and nine at 26s. 8d. each, with a testification that the said Sir James, in the said court, became caution for Pait Moffett in Cammok, Cristie Moffet, his son, and Robert

Fol. 24, b.

Fol. 25, a.

Acta penes Marchiarum, etc., ordinem.

Johnnstoun of Cartertoun, for satisfaction of Johnne Millekin of his goods stolen from him as contained in the Act made thereupon,—also, for payment to William Campbell of Glasneth of certain goods stolen from him. The Act bearing all this is under the sign and subscription of Archibald Myllar, notary public, depute scribe of the said court; and, the said Act having been considered, the Lords find the said letters raised by the said defenders against the complainer "to be orderlie procedit and direct," and therefore ordain the same to be put to farther execution,—because the said four persons are Sir James's men, tenants and servants.

[Miscellaneous Border Cautions, from July 1590 to February 1591–92:—]

Fol. 62, a.

Caution by Williame, Earl of Mortoun, as principal, and Robert Durhy, fiar of that Ilk, as surety for him, that he shall relieve the wardens of "all attemptattis committit or to be committit" by those for whom he is liable by the general band, and that he shall present offenders to justice. Edinburgh, 8th July 1590. Caution for the Earl of Morton and others.

Cautions to the same effect by Robert Ker, burgess of Edinburgh, for Thomas Ker of Quhitmurehall; Mr Williame Cranstoun, fiar of that Ilk, for Sir Johnne Cranstoun of that Ilk; Patrik Douglas of Kynspindie for William, Earl of Angus; Johnne Ramsay of Dalhoussy, for Waltir Riddell of that Ilk; Johnne, Lord Maxwell, as principal, and Sir Johnne Maxwell of Neddir Pollok, as surety for him; Sir James Douglas of Drumlangrig, as principal, and James Douglas, fiar of Spot, as surety for him; Robert Maxwell of Mylntoun, as principal, and Sir Johnne Maxwell of Nedderpollok, as surety for him; Watt Scott of Goldelandis, as principal, and Sir Johnne Edmestoun of that Ilk, as surety for him; Alexander, Lord Hume, as principal, and George Hume of Woddirburne, as surety for him; George Hume of Woddirburne, as principal, and Sir Johnne Edmestoun of that Ilk, as surety for him; Francis, Earl Boithwell, Great Admiral of Scotland, as principal, and James, Earl of Murray, as surety for him (band subscribed at Edinburgh this day before Alexander, Lord Hume, Alexander Stewart of Garleis, William Stewart of Carvestoun); Robene Ellot of Reidheuch and Martine Ellot of Braidlie, as principals, and Frances, Earl Bothuell, and Hercules Stewart of Quhitlaw, as sureties for them (Williame Wylie, writer, subscribing for Martine); Andro Ker of Greneheid, as principal, and Hercules Stewart of Quhytelaw and Gilbert Wauchop of Stottancleuch, as sureties for him; Hew Carmychaell, apparent of that Ilk, for Will Ellot of Fallinesche; Sir James Johnnstoun of Dunskellie, as principal, and Robert Douglas of Coschogill, as surety for him ("deleit be ordinance of King and Counsale for all attemptattis committit heirefter: W. Wylie," 12th July 1592); George Carrutheris of Holmendis, and Johnne Carrutheris of Holmendis, younger, as principals, and James Bellenden of Kynnocher, as surety for him (band presented for registration by Mr Johnne Prestoun, younger, advocate, as pro-

Fol. 62, b.

13th July.

14th July.

27th July.

5th August.

Fol. 63, a.

8th August.

Fol. 63, b.

10th August.

Fol. 64, a.

curator for the parties, and subscribed by the principals at Kynnocher, 9th August). Acta penes Marchiarum, etc., ordinem.

Protest for Hume of Bassinden and others.

William Hume of Bassinden appears before the Council, for himself, and in name of Nicholl Carnecors of Calfhill, Waltir Cornecors of Lugat, and Gawin Ellot of Stobbis, sureties for the entry of Robene Ellot of Reidheuch before the King and Council, and, having now presented him as required, protests that he and his co-cautioners shall be free of their caution in time coming: "quhilk protestatioun the saidis Lordis admittit." Fol. 64, b.

Edinburgh, 11th Aug. Protest by Douglas of Spott.

James Douglas, fiar of Spott, having become surety for Sir James Douglas of Drumlangrig that he would relieve the wardens for all his "attemptatis," appears and protests that he shall be free of the said caution, in respect that Sir James had entered himself in ward in Edinburgh Castle, as required, till he found "mair responsale cautioun." This protest is also admitted.

Edinburgh, 12th Aug. Entry of Turnbull of Wauchop.

Williame, Earl of Angus, becomes bound to enter Hector Turneble of Wauchop to Williame Ker of Cesfurd, warden of the Middle March, "within his yettis of Halyden," for "releif of the bill of George Mustian, Englishman, fylit on the said Hector." In respect of this Act, the magistrates of Edinburgh, and the "jevelour" of the tolbooth thereof, where the said Hector is at present in ward, are ordered to deliver him to the said Earl. Fol. 65, a.

More Border cautions.

Caution as above (pp. 807–8) by Sir James Douglas of Drumlangrig, as principal, and Johnne, Lord Flemyng, as surety for him (the said Lord renouncing any benefit competent to him as "maister yscher" of the King's

Edinburgh, 14th August.

chamber, in order that the said caution may be the more effectual); by Williame, Lord Hereis, as principal, and Edward Maxwell, fiar of Lamyngtoun, as surety for him (band registered by Johnne Halyday, as procurator for the parties, and subscribed at Terriglis, 12th August, before Petir Turner, notary, and Andro Lindsay, servants to the said Lord. This act is deleted by a warrant of his Majesty, of date 29th January 1595). Fol. 65, b.

Obligation by Johnston of Dunskellie.

Sir James Johnnstoun of Dunskellie undertakes, in presence of the Secret Council, to answer for all the tenants on the lands of Lord Hereis in Annerdale (except Hoddum), and to relieve the said Lord thereof.

Edinburgh, 10th Sept. Band for Sir John Gordon of Lochinvar.

Registration, by Mr Robert Lyntoun, advocate, as procurator for the parties, of a band by Alexander Gordoun of Barskeoch and Rodger Gordoun in Shermes for Sir Johnne Gordoun of Lochinvar, that he shall do all he ought for fulfilling the General Band and Act of Parliament, either anent the presenting of such persons as he is answerable for within the bounds of Annerdale to the Justice, or else anent the refunding of the skaith done or to be done by them. Subscribed at Kenmoir, 14th September, before William Gordoun, younger of Pline, Johnne Glendonyng, younger of Partoun, Mr William Douglas of Knychtisrig, and Johnne Mure, younger of Halmyre. Fol. 66, a.

Edinburgh, 21st Sept.

Caution by Robert Frensche of Frenscheland, as principal, and Gilbert Johnnstoun, burgess of Edinburgh, as surety for him, and by

Acta penes Marchiarum, etc., ordinem.

Wilkene Johnnstoun of Escheschelis, as principal, and Robert Poore, burgess of Edinburgh, as surety for him, that the said principals shall relieve the wardens for all "attemptatis" committed or to be committed by them.—Caution to the same effect by Thomas Ker of Caveris, as principal, and Patrik Murray of Fawlayhall, sheriff of Selkirk, as surety for him. Caution for Robert French, Wilkin Johnston, and Ker of Cavers. Edinburgh, 26th Sept.

Caution in £1000 by William Ker of Ancrum for Robert Frasar of Overtoun, that he shall satisfy the causes of his present warding in the tolbooth of Edinburgh by "Monnonday nixt, the last of this instant, at evin," and that he shall not escape furth of the said burgh till farther order be taken with him. In respect of the caution now found, the magistrates of Edinburgh and "jeveloure" of their tolbooth are ordered to release the said Robert. Caution for Robert Fraser of Overton.

Fol. 66, b.

Caution by Williame, Earl of Angus, for Watt Turneble of Bedroule, that he shall relieve the wardens for all "attemptatis" &c.,—the said Watt, and James Douglas of Caveris, sheriff of Roxburghe, and Johnne Turneble of Mynto, becoming sureties in relief. Caution to the same effect by James Gledstanes of Coklaw, as principal, and Watt Scot of Goldelandis, as surety for him, by Robert Scott of Burnefute, as principal, and Watt Scot of Goldelandis and James Gledstanes of Coklaw, as sureties for him, and by Waltir Scott of Howpaislott, as principal, and the said Watt Scott, as surety for him, Edinburgh, 28th Sept. Caution for Wat Turnbull of Bedrule. Edinburgh, 30th Sept. Caution for Gledstanes of Cocklaw and others.

Caution by Robert Scott of Allanhauch to keep Sir Waltir Scott of Branxholme and Sir Johnne Edmestoun of that Ilk skaithless of thair becoming sureties for him that he shall relieve the wardens "for all attemptatis," etc. Caution by Scott of Allanhaugh.

Caution by Johnne Rutherfurd of Hunthill, as principal, and Sir Johnne Edmestoun of that Ilk, as surety for him, that he shall relieve the wardens "for all attemptatis," etc.,—the said principal, and Thomas Rutherfurd, his son and apparent heir, and Williame Rutherfurd of Littleheuch, becoming sureties in relief. The parties consent to the registration of this obligation, which is subscribed at Jedburgh, 2nd November, before James Creichtoun, apparent of Bruntstoun, Johnne Maitland, apparent of Auchingassill, Captain Thomas Ewine, burgess of Edinburgh, Richard Rutherfurd of Edzarstoun, and Robert Alensone, notary in Jedburgh. Caution for Rutherford of Hunthill.

Fol. 67, a.

Caution by David Somirwell of Plane for Charlis Murray of Cokpule, that he shall find surety to make his men answerable to justice, conform to the Act of Parliament,—David Murray, son of the said Charles becoming cautioner in relief. Edinburgh, 28th Jan. 1590–91. Caution for Charles Murray.

Caution by Johnne Murray of Morrequhat and Johnne Carrutheris of Robequhat, as principals, and William, Master of Somerwell, and James Murray, younger of Cokpule, as sureties for them, that they shall relieve the wardens "for all attemptattis," etc.,—Thomas King, notary public, subscribing for Carrutheris of Robequhat. Cautions to the same effect by James Fowlis of Colingtoun for Mathew Sinclar of Langfurmacus; by Johnne Bog of Burnehoussis, as principal, and Johnne Edinburgh, 8th Oct. 1591. Acts of caution. 10th Nov. 11th Nov.

Fol. 67, b.

Acts of caution —*continued.*

Symsoun of Dryburnefurd, and Robert Symsoun, maltman, indweller of Pleasans, beside Edinburgh, as sureties for him; by George Hoppringill of Blindley, as principal, and James Hoppringill of Torsons, or Hoppringill of that Ilk, as surety for him; by David Hume of Nynewallis, as principal, and Robert Logane of Restalrig, as surety for him (Johnne Blair and Andro Hume appointed procurators for registering the band, which is subscribed at Fastcastell place, 15th November, before Johnne Hume, Achilles Hume, William Craik and Alexander Craw); by George Haitlie, tutor of Lambden, and William Reidpeth of Grenelaw, as principals, and Patrik Cokburne, tutor of Langtoun, as surety for them; by Thomas Angus of Hoprig, as principal, and Johnne Furde of Branxtoun, as surety for him; by James Cochran of Blakcraig for Williame Cokburne of Chowislie (Mr David Makgill, younger, advocate, presenting for registration the band, which is subscribed at Edinburgh, 19th November, before James Henrysoun of Dryden, Johnne M^{c}Gill and Johnne Mure, servitors to the said Mr David); by Williame Scott in Montberneger Wester, as principal, and Johnne Hay of Smythfeild, as surety for him (parties consenting to the registration of the obligation, which is subscribed at Peobles, 21st November, before James Govane, Alexander Govane, Patrik Govane, burgesses of Peoblis, David Creichtoun, notary, subscribing for William Scott of Montbernger); by Mr Alexander Knowis of that Ilk for William Reidpeth of that Ilk; by Robert Dicksoun of Buchtrig, Simon Reidpeth of Angelraw, Alexander Trotter of Chestirs, and Thomas Makdowall of Stedrig, as principals, and Alexander Hume of Hutounhall, as surety for them (William Wylie, writer, subscribing for Dicksoun); by James Brounfeild of Pittellisheuch, as principal, and Robert Dicksoun of Buchtrig, as surety for him; by Alexander Hume of Hutounhall, as principal, and Johnne Cranstoun of Burnecastell, as surety for him; by Thomas Makdowell of Mackerstoun, as principal, and Alexander Hume of Hutounhall, as surety for him; by David Edmestoun of Wowmet for George Scott of Syntoun; by Robert Brounfeild, portioner of Todrig, as principal, and Alexander Hume of Hutounhall, as surety for him (William Wylie, writer, subscribing for the said Robert); by James Lummisden of Airdrie for David Lumisden of Blanern; by Johnne Hume in Restoun, as principal, and David Rentoun of Billie, as surety for him; by David Rentoun of Billie, as principal, and James Lumisden of Airdrie, as surety for him; by Thomas Edingtoun of that Ilk and Richard Spens of Chirnesydemanis, as principals, and Alexander Hume of Hutounhall, as surety for them (William Wylie, writer, subscribing for Thomas); by Andro Dicksoun in Belchester, as principal, and Robert Frensche of Thornedykis, as surety for him (Wylie subscribing for Andro); by George Craw, in Eist Restoun, as principal, and Johnne Hume in West Restoun, as surety for him; by Robert Frensche of Thornedykis, as principal, and George Hoppringill of Blindlie, as surety for him; by Thomas Ker of Sunderlandhall, as principal, and Robert Frensche of Thornydykis, as surety for him; by James Lumisden of Airdry for Johnne Haitlie of Mellerstanis; by Patrik Hume, fiar of Duns and apparent of Aytoun, for

Edinburgh, 13th Nov.

16th Nov.

17th Nov.

20th Nov.

22nd Nov.

25th Nov.

Acta penes Marchiarum, etc., ordinem. Fol. 68, a.

Fol. 68, b.

Fol. 69, a.

Fol. 69, b.

Fol. 70, a.

Fol. 70, b.

Fol. 71, a.

Acta penes Marchiarum, etc., ordinem.

George Douglas of Parkheid and Nichol Brounfeild of Quhitehous; by Thomas Johnnstoun of Corheid, as principal, and Gilbert Johnnstoun, burgess of Edinburgh, as surety for him; by George Tait of Pirne, as principal, and James Sandelandis, merchant, burgess of Edinburgh, as surety for him (Wylie subscribing for George); by Alexander Hammyltoun of Innerwick for Johnne Murray of Blakbarony, James Hammyltoun, tutor of St Johnnes Chappell, Patrik Chirneysyde of Eist Neisbit, and Tryamur Reidpeth of Crumrig; by Robert Swyntoun of that Ilk, as principal, and Mark Swynton of Lowskoure, as surety for him; by Patrik Hume of Rentoun, as principal, and Johnne Mitchelsoun of Blakhauch, as surety for him, and by Thomas Ramsay of Wyliecleuch (? Robert, younger), as principal, and the said Patrik and Johnne, as sureties for him; by Michaell Nasmyth of Posso, as principal, and Johnne Hay of Smythfeild, as surety for him, and by Johnne Govane of Cardrono, as principal, and the said Laird of Smythfeild, as surety for him (Wylie subscribing for Govane); by Robert Dickesoun of Ormestoun, as principal, and William Stewart of Tracquair, as surety for him (Wylie subscribing for Dickesoun); by Adame Brounfeild of Hardaikers and Alexander Brounfeild of Eistfeild, as principals, and Williame Cokburne of Chowislie, as surety for them (Wylie subscribing for Alexander); by Patrik Portuous of Halkschaw, as principal, and Thomas Portuous of Glenkirk, as surety for him; by Thomas Dalgleische of Dewchar and William Murray in Soundhoip, conjunctly and severally, for themselves and each other; by Williame Burnet of Bernis and James Patersoun of Cavirhill, conjunctly and severally, for themselves and as sureties for each other; by David Edmestoun of Wowmet for Robert Dicksoun of Hassinden-manis and Thomas Hoppringill of Smellemcragis; by Thomas Middilmest of Grestoun and Alexander Horsburgh, fiar of that Ilk, as principals, and William Stewart of Tracquair, as surety for them; by George Trotter of Pryntonen, as principal, and Sir Johnne Edmestoun of that Ilk, as surety for him (Mr Ritchard Spens, advocate, as procurator for the surety, presenting for registration the band, which is subscribed at Edinburgh, 30th November, before Andro Edmestoun, apparent of that Ilk, Alexander Lawsoun and Johnne Patersoun, "my servitouris"); by Patrik Murray of Fawlayhill, sheriff of Selkirk, as principal, and Johnne Murray of Blakbarony, as surety for him; by Sir Patrik Hepburne of Lufnes and Mr George Lauder of Bas, for themselves singly, and as sureties "ilk ane *hinc inde* for utheris"; by Sir Williame Sinclar of Hirdmestoun, as principal, and Sir Williame Sinclar of Rosling, as surety for him (Robert Sinclar, writer, as procurator for the parties, presenting for registration the band, which is subscribed at Edinburgh this day before Olypher Sinclar of Ravinnsnuke, Johnne Fynlaysoun, William Barnisfathir, and William Leirmonth); by Walter Scott of Tuschelaw, as principal, and William Stewart of Tracquair, as surety for him (Wylie subscribing for Scott); by Johnne Linlythgow of Drygrange, as principal, and Thomas Makdowell of Mackerstoun, as surety for him (Archibald Douglas, servant of the said Johnne, along with the said Thomas, presenting for registration

Acts of caution —*continued.*

Edinburgh, 26th Nov.

27th Nov.

Fol 71. b.

2nd Dec.

Fol. 72, a.

3rd Dec.

Fol. 72, b.

6th Dec.

Fol. 73, a.

8th Dec.

9th Dec.

Fol. 73, b.

Acts of caution —*continued.*

the band, which is subscribed at Drygrange and Edinburgh, 7th and 8th December, before William Lynlythgow in Melrose, Johnne Scott, notary there, William Wylie, writer); by Robert Johnnestoun of Racleuch, as principal, and Alexander Maxwell of Logane, as surety for him; by Johnne Ramsay of Dalhoussye, as principal, and Johnne Creichtoun of Bruntstoun, as surety for him; by William Lauder of Quhitslaid or Balwardeis, as principal, and Alexander Hammyltoun of Innerwick, as surety for him; by Williame Borthuik of Sowtray for George Neisbit of that Ilk; by George Hoppringill of Newhall and Thomas Hoppringill of Trinlingknowis, as principals, and Johnne Hoppringill of Bukholme, as surety for them (Wylie subscribing for George); by Alexander Dicksoun of Hirdrig, as principal, and Williame Cokburne of Chowislie, as surety for him; by David Ellem, tutor of Buttirden, for himself and for Johnne Ellem of Buttirden during his minority, as principals, and David Hume of the Law, as surety for them; by Malcolm Inglis of Langlandhill, as principal, and Thomas Porteous of Glenkirk, as surety for him (Johnne Eistoun, scribe, as procurator for the principal, and the said Thomas, presenting for registration the band, which is subscribed at Langlandhill, 12th December, before James Inglis, William Inglis, William Huntar of Doudingflatt); by Johnne Cranstoun of Morestoun, as principal, and Nicholl Carnecors of Calfhill, as surety for him; by George Hume of Woddirburne for William Hume of Aytoun, Patrik Hume, apparent of Aytoun, becoming surety in relief; by Philp Scott of Dryhoip, as principal, and Watt Scott of Tuschelaw, as surety for him (Wylie subscribing for Watt Scott); by Alexander Hume, portioner of Carenetoun, for James Hume of Eister Manis of Chirnesyde (Wylie subscribing for the said Alexander); by Andro Douglas of Tympedin, as principal, and George Douglas of Bonejedburgh, as surety for him; by Johnne Turneble of Mynto for Martene Ellot of Braidlie (William Hislop, notary public, subscribing for both); by James Douglas of Torthorrald, as principal, and Patrik Hume, apparent of Aytoun, as surety for him; by Andro Ker of Faldounsyde for Nichol Carnecors of Calfhill; by Andro Ker of Faldounsyde for Robert Carnecors of Comyslie,—Nichol Carnecors of Calfhill becoming surety in relief; by William Ellot of Hartscarth, tutor of Reidheuch, as principal, and Walter Scott of Goldelandis, as surety for him; by Symon Armstrang of Mangertoun, as principal, and Mr Arthure Scott of Galmelliscleuch, as surety for him (Wylie subscribing for Symon); and by William Mader of Langtoun, as principal, and Johnne Bannatyne, skinner, burgess of Edinburgh, as surety for him.

Edinburgh, 10th Dec.

14th Dec.

16th Dec.

18th Dec.

20th Dec.

24th Dec.

29th Dec.

2nd Jan. 1591-92.

6th Jan.

8th Jan.

10th Feb.

15th Feb.

Acta penes Marchiarum, etc., ordinem.

Fol. 74, a.

Fol. 74, b.

Fol. 75, a.

Fol. 75, b.

Fol. 77, a.

Fol. 75, b.

Fol. 76, a.

[Miscellaneous Northern Cautions, from December 1590 to January 1591-92:—]

Holyrood-house, 16th Dec. 1590. Cautions for certain men in the North.

Caution in £5000 by Sir Johnne Campbell of Lawers, as principal, and Johnne, Earl of Montrois, as surety for him, that he and those for whom he is answerable by the laws and general band shall keep the King's peace, and on nowise invade or oppress any of his Majesty's

Fol. 92, b.

Acta penes Marchiarum, etc., ordinem.

subjects, and also that he shall make his men satisfy parties complaining, conform to the Act of Parliament made for quieting the Highlands and Borders in July 1587.—Cautions to the same effect by Sir Duncan Campbell of Glenurquhy, as principal, and James, Commendator of Incheffray, and Johnne Campbell of Caddell, as sureties for him, in 20,000 merks; by Donald Robertsoun of Strowane, as principal, and Sir Johnne Campbell of Lawers, as surety for him, in £5000,—the said Donald and Sir Duncan Campbell of Glenurquhy, becoming sureties in relief; by Johnne, Earl of Athole, as principal, and Johnne Grant of Freuchy and Sir Thomas Stewart of Grantullie, as sureties for him, in £20,000; by James, Earl of Murray, as principal, and Sir Johnne Campbell of Caddell, as surety for him, in £20,000; by Symon, Lord Lovett, as principal, and Johnne Grant of Freuchy, as surety for him, in £10,000,—the said Lord, and Johnne, Earl of Athole, and James, Earl of Murray, becoming sureties in relief; by James, Earl of Murray, for Lauchlane Makintosche of Dunnachten in £10,000; by Johnne Grant of Freuchy, as principal, and James, Earl of Murray, as surety for him, in £10,000; by Patrik Dumbar, sheriff wardatar of Elgin and Fores, as principal, and James, Earl of Murray, as surety for him, in £5000; by Patrik Ogilvie of Inchemartine, as principal, and Andro Moncur of that Ilk, as surety for him; by Michell Balfoure of Burley, as principal, and Andro Balfoure, fiar of Monquhany, as surety for him; by James, Lord Ogilvie, as principal, and Johnne Ogilvie of Innerquharitie, as surety for him; by Johnne Ogilvie of Innerquharitie, as principal, and James, Lord Ogilvie, as surety for him; by Johnne Ogilvie of Inuerquharitie for James Ogilvie of Clova; by Johnne Stewart of Tillepureis, as principal, and George Auchinleck of Balmanno, as surety for him, in 1000 merks; by Johnne Stewart of Boneskeid, as principal, and Mr Thomas Abircrummy, tutor of Murthly, as surety for him, in 1000 merks,—the said Johnne and Johnne Stewart of Tillepureis becoming sureties in relief; by James Stewart of Ballequhan for Johnne Stewart of Calcowy, James Stewart, son and apparent heir of the said Johnne, becoming surety in relief; by Sir Johnne Murray of Tullybardin for certain men in Athole, viz., Johnne Robertsoun of Straloch, *alias* Barroun Reid, Andro Spading of Aschintully, Waltir Robertsoun of Downy, Waltir Leslie of Moreclach, Johnne Rattray of Dalrulyan, Alester Stewart of Cultolonies, James Wemys at the Mylne of Werye, Johnne Fergusoun of Darcloch, *alias* Barroun Fergussoun, and Johnne Cunesoun, *alias* Barroun Cunesoun, of Eddirardour, in 1000 merks each, that they will find caution as above by 10th December next,—the said surety renouncing all benefit competent to him as an officer in the King's household (William Wylie, writer, subscribing for Johnne Cunesoun of Eddirardour, Waltir Reid of Myddill Downy, and Johnne Rettray of Derrilyeane); by David Hering, apparent of Glasclune, for James Stewart of Ballequhan, to the same effect, in 1000 merks; by William Schaw of Knokhill, as principal, and James Gib, fiar of Mossyde, as surety for him, that he and his men shall answer to justice, according to the laws; by

Fol. 93, a.

Fol. 93, b.

Fol. 94, a.

Fol. 94, b.

Fol. 95, a.

Fol. 95, b.

Fol. 96, a.

Fol. 96, b.

Acts of caution —*continued.* Holyrood-house, 17th Dec.

Edinburgh, 24th Dec.

Holyrood-house, 9th Feb. 1590–91.

Edinburgh, 29th Oct. 4th Nov.

5th Nov.

11th Nov.

16th Nov.

Acts of caution —*continued.* Edinburgh, 19th Nov.

David Maxwell of Teling, as principal, and Andro Moncur of that Ilk, as surety for him, as above; by Edward Reidheuch of Cultevragan, as principal, and James, Commendator of Incheffray, as surety for him, that he shall make his men answerable to justice, conform to the general band (Mr Henry Makcalyeane, advocate, as procurator for the parties, presenting for registration the band, which is subscribed at Innerpeffry (?) and Classinwaid, 17th November, before Andro Tosheoch of Munyie, Thomas Chesholme, Mr Macolme Mersar, James Reddoch, son of the Laird of Cultevragan, and James M^cGrowther); by Patrik Mowat of Buquhollie, as principal, and Patrik Cowpland of Udoch, as surety for him, in 1000 merks, that he and his men shall keep the King's peace, that he shall "exhibite" himself and them before his Highness to answer for all crimes that may be laid to their charge, and that he shall assist his Majesty or his lieutenants in apprehending rebels when required,—to which effect also I have "gevin my faithfull ayth, as I will answer to God and his Majestie thairupoun" (Mr Thomas Craig and Mr Thomas Gray being the procurators appointed for registering the band, which is subscribed at Buquhollie and Udoch, 15th November, before Mawnis (Magnus) Mowat, apparent of Boquhollie, James Mowat, "my sone," Williame Mowat in Turreff, and Williame Ogstoun in Turreff, notary); by Johnne Stevesoun of Hirdmenschelis for James Kynros of Kippenros, that he and his men shall be answerable to justice,—James Kynros, fiar of Kippenros, becoming surety in relief; by Alexander Menzies of that Ilk for himself, and James Betoun, fiar of Melgund, and Robert Menzies of Cumrye, as sureties for him, in £1000, that he shall not only "hald hand that no maner of sornar, oppressoure, committers of ony cruell attemptis," shall pass through any bounds which he has power over, but shall pursue the said malefactors to the uttermost of his power, conform to the Act of Secret Council ordaining all inhabitants within the bounds of Athole, Straardill, Glensche, etc., to find caution before the 27th instant that none of them should reset the said offenders or suffer them to resort through their lands (Adam Menzeis, servitor to George, Earl of Huntly, as procurator for the parties, presenting for registration the band, which is subscribed at Menzeis, 25th September, before the said procurator, Robert Menzeis of Snaip, Johnne Menzeis, parson of Weyme,—Johnne Menzeis, notary public, subscribing for Robert Menzeis of Comrie); by Johnne, Master of Forbes, for Thomas Fothringhame of Powrye, that he and his men shall be answerable to justice; by Johnne, Master of Forbes, as principal, and James Forbes of Corsinda, as surety for him, as above; by Alexander Stratoun of that Ilk for the "richt honorable" Sir David Lyndesay of Edzell (Mr Thomas Rollok, as procurator for the surety, presenting for registration the band, subscribed at Lorenstoun, 8th November, before Robert Stratoun, William Somer, and James Stratoun in Drumcarn, servitors to the said Sir David, and Arthour Stratoun, "my servitour").

Acta penes Marchiarum, etc., ordinem.

Fol. 96, a.

Fol. 96, b.

24th Nov.

25th Nov.

Fol. 97, a.

Fol. 97, b.

9th Dec.

1st Jan. 1591–92.

8th Jan.

Fol. 98, a.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1585–1592.

PRIVY COUNCIL PAPERS.

Miscellaneous Papers.
To delete an act of caution.

1. Warrant, under the sign manual, and countersigned "Thyrlstane" and "Neubottle," to the Clerk of the Council to delete furth of the books of the Privy Council the act of caution by James Douglas of Drumlangrig and Johnne Creichtoun of Bruntston for the entry of Mr Robert Douglas, provost of Linclouden, in ward in Edinburgh Castle (see vol. iii. p. 740): At . Nov. 1585.

In the matter of a complaint of William Murray, commissary of the King's guard.

2. Complaint by William Murray, "commissair" of the King's guards, as follows:—Alexander Clark of Balbirny, collector of the two last taxations of £20,000, conform to a precept of William, Commendator of Pettinweyme, late Captain of the Guard, had assigned to the complainer the sums of money underwritten, due by the persons following for their shares of the said taxations, viz.,—by Johnne, Earl of Mortoun, steward of Kirkcudbrycht, for the tax thereof, £380; by Patrick Agnew of that Ilk, sheriff of Wigtoun, for the tax thereof, £235, 6s. 8d., and for a part of the taxation of the same shire of the first taxation, £21, 10s.; by Thomas Kennedy, tutor of Cassillis, for the last taxation of the abbey of Glenluce, £53, 17s. 8d., and for the first taxation of the same abbey, £53, 16s. 8d.; by Mr Johnne Moncreiff, provost of Sanct Gelis Kirk, for the first taxation thereof, £12, 18s. 6d., and for the last taxation of the said provostry, £12, 18s. 6d.; by William, Lord Levingstoun, for the first taxation of the priory of Manwell, £58, 12s., and for the last taxation of the same priory, £58, 12s.; by James Hammiltoun of Stanehous, for the first taxation of the parsonage of Strathaven, £17, 4s., and for the last taxation of the same parsonage, £17, 4s., and for the first taxation of the parsonage of Stanehous, £4, 6s. 2d., and for the last taxation of the same parsonage, £4, 6s. 2d.; by the Laird of Edmonstoun, for the parsonage of Fawlaw, for both taxations, £10, 15s. 8d.; by the Abbot of Incheffray, for the parsonage of Strowane, for both taxations, £6, 8s. 4d. All this is proved by the assignation made to the complainer, subscribed by the said collector, and shown to the Secret Council. Nevertheless, the said persons "wranguslie refuse, postponis, and differris" to pay the said sums to the complainer unless compelled. Letter of charge is therefore to issue to the said debtors to make payment as aforesaid within ten days after they be commanded, under pain of rebellion. Passed under the signet at Haliruidhous, J. Andro attesting the letter. 12th Jan. 1585–86.

To delete an act of caution.

3. Warrant, under the sign manual, and countersigned "Tho. Mr Glammis" and "Thyrlstane," to the Clerk of Secret Council to delete the act of caution by Robert Grahame of Knockdoleane for Archibald 10th Feb. 1585–86.

Edmounstoun of Ballantone and James Edmounestoun of Newtoun (vol. iii. p. 724): Haliruidhous. Miscellaneous Papers.

16th March 1585–86. 4. Warrant, subscribed as above, to Johne Andro, Clerk of Secret Council, to delete the act of caution by Johnne Clappertoun, minister at Lanell, as principal, and Johnne Cockburne of Ormestoun, as surety for him (vol. iii. p. 669): Halyruidhouse. To delete an act of caution.

9th May 1586. 5. Warrant, under the sign manual, and countersigned "Thyrlstane" and "S[r] Robert Melvill," to the Clerk of Council to delete the act of caution by which Johnne Boswell of Balmowto, as principal, on the one hand, and David Weymes of that Ilk, as principal on the other side, and their cautioners, are bound under certain penalties which are prejudicial to the said Johnne, so that either of them may suit caution of the other according to the late Act of Parliament (vol iii. p. 571): Haliruidhous. To delete an act of caution.

27th May 1586. 6. Warrant, under the sign manual, and countersigned "Thyrlstane" and "Tho. M[r] Glammis," to the Clerk of Secret Council to delete the act of caution by Johnne, Earl of Mortoun, as principal, and Robert, Lord Seytoun, James Dowglas of Drumlangrig, M[r] Patrik Wans of Barnbarroch, and Edward Maxwall, fiar of Lamyngtoun, as sureties for him,—the said principal having found caution of new for his remaining in ward in the burgh of Edinburgh (*ante*, p. 76): Haliruidhous. To delete an act of caution.

23rd June 1586. 7. Letter, subscribed "James R., Angus, Claud Hamyltoun, Thyrlstane, Boyd, Sir James Hume, Newbottle, Ad. Orchadensis, Sir Robert Melvil, Lynclouden," relieving the Earl of Mortoun furth of his ward in Edinburgh, and authorising him to repair where he pleases: Falkland. That this is "vera copia principalis et originalis litere et varanti," subscribed by the King and his Councillors as above, is attested by M[r] David Maxwell, notary public. Earl of Morto relieved of his ward.

27th July 1586. 8. Warrant, under the sign manual, and countersigned "Thyrlstane," to the Clerk of Secret Council, to delete all acts or bands by which Jhone Cokburne of Ormistoun, William Lawder of Haltoun, Jehane Cokburne, his spouse, James Hereot of Trabroun, M[r] Samuell Cokburne of Tempilhall, Gilbert Lawder of Quhitslaid, and his sons, as principals, and certain persons as cautioners for each of them, are bound for fulfilling sundry points mentioned in the said Acts (vol. iii. pp. 635, 701, and *ante*, p. 669): Creichtoun. To delete an act of caution.

4th Oct. 1586. 9. Act, under the sign manual, and countersigned "Thyrlstane," relaxing from the horn Johnne, Earl of Mortoun, while engaged in the King's service as warden on the West Marches (*ante*, p. 109): Falkland. Earl of Mort relaxed.

4th Oct. 1586. 10. Commission, under the sign manual, and countersigned "Thyrlstane," for apprehending Margaret Scott, spouse of Sir Johnne Johnnestoun of Dunskellie, for lesing-making (*ante*, p. 108): Falkland. Commission against Lady Johnstone.

21st Oct. 1586. 11. Charge to Johnne, Earl of Mortoun, and others, on the one part, and Sir Johnne Johnnestoun of Dunskellie, on the other, to appear before the King and his Council upon 15th November next, to pursue their actions anent the breaking of the assurances passed between them (*ante*, p. 109): Striveling. Charge to certain perso

Miscellaneous Papers. Revocation.

12. New Act, under the sign manual, revoking all dispositions made out of the property of the Crown (*ante*, p. 109): Striveiling. 22nd Oct. 1586.

Charge to the barons, &c., of Lothian, in the matter of the subsidy in aid of Queen Mary.

13. Letter of charge, addressed to Johnne Symsoun and Daniell Grahame, messengers, requiring them to pass and command the barons, feuars, and freeholders of Lothian to make payment of such sums as they shall be appointed, each of them *pro rata*, to Johnne Touris of Inverleith, collector of the subsidy granted by the barons within the said bounds in aid of Queen Mary in her present peril: Haliruidhous (p. 135). Follows this docquet: "Producta per Daniell Ghrame septimo die mensis Novembris 1587, et registrata in libris vicecomitatus de Beruik: Extractum J. Raith." 11th Jan. 1586–87.

Charge to the Clerk of Council.

14. Charge to Johnne Andro, subscribed "James R.," and countersigned "Anguss" and "Mar," ordaining Johnne Cowpar, presently in ward in Blaknes, to find caution as under date 22nd March (*ante*, p. 155): Dalkeyth. 23rd March 1586–87

Execution of charge on the Earls of Angus, Bothwell, and Mar.

15. Letters of summons, at the instance of M^r^ David MacGill of Nisbet, charging Archibald, Earl of Angus, Frances, Erll of Boithuile, and Johnne, Earl of Mar, to find surety for their men, under pain of rebellion, conform to the Act of Parliament made at Edinburgh, 29th July 1587 (1587, c. 59, iii. 461-465): Halyruidhous. Executed on 12th March by Alexander Stobo, messenger, in presence of William Douglas of Lochlevin, Alexander Douglas, captain of Temptalloun, John Carmichaell, M^r^ Williame Erskine, Peter Tulles, Andro Home, and Thomas Cranstoun: Haliruidhous, 20th March 1587.—"Clerk of Register for the persewar: alter absent; decernis." 8th March 1587–88.

Charge to Hume of Bassindean and others.

16. Williame Hume of Bassinden, Nicoll Carnecroce of Calfhill, and Walter Carnecroce of Lugatt, having, upon 18th June 1586, become cautioners for Gawine Ellot of the Stobbis, that he should present Robert Ellot of Reidheuch before the King and Council upon 10th day after the charge, under a penalty of £2000, and the personal presence of the said Robert being now requisite, there is a letter of summons, subscribed by John Andro, charging the said sureties to appear, and the said principal to enter the said Robert. Executed upon 11th and 12th March, by Alexander Stobo, messenger, before these witnesses:—Johnne Oliphant, Johnne Gray, David Andersoun, James Richartsoun of Smetoun, Allane Bruntoun, Johnne Wilke, and Andro Home: Haliruidhous, 22nd March.—"Nane comperit. Decernis." Indorsed "1587, letters *simpliciter* ordanit aganes Gawin Ellot of Stobbes for Robene Ellot." 8th March 1587–88.

Charge to the Clerk of Council.

17. Letter, under the sign manual, to the Clerk of Register, commanding him to cause publication to be made of the Act "maid anent the accusatioun" of Patrik, Master of Gray, and declaration of the Council thereupon, of date 15th May 1587: At . 1587.

To delete an act of caution.

18. Warrant, under the sign manual, and countersigned "J. M. Cancellarius," to the Clerk of Secret Council to delete the act of caution by Johnne Couper, burgess of Edinburgh, and Andro Borthuik, in the Cannogait, for Mr Johnne Couper (*ante*, p. 155): At . 1587.

16th June 1588. 19. Alexander Ruthven, brother of Mr William Ruthven, having been charged, at the instance of George Oliphant of Bachiltoun, to find caution in 1000 merks, within a certain time, not to hurt Oliphant, under pain of rebellion, complains that the said sum "is very extraordinair and grite" for one of his rank and state, he "being bot a young gentleman," having nothing "except my hors and clething," so that he cannot find caution under so great a sum. He therefore humbly prays his Majesty and Lords of Secret Council to modify the said sum according to his "abilitie and moyen," and to give command to Johnne Andro to receive caution of him under the sum so modified, suspending in the meantime the said letters: Edinburgh.—Indorsed "*Fiat ut petitur*, under the pane of v^{c} merkis: Fiyvie. M. P. Young." Miscellaneous Papers. Modification of caution for Alexander Ruthven.

24th July 20. Warrant, under the sign manual, and countersigned "S^{r} Robert Melvill," to the Clerk of Privy Council to delete the act of caution by James Law, elder in Dysert, for himself and his assisters, on the one part, and by George Crystie, also in Dysert, for himself and his assisters, on the other part, that either of them shall be harmless of the other (*ante*, p. 3): Haliruidhous. To delete an act of caution

2nd Dec. 1588. 21. Warrant, under the sign manual, and countersigned "J. M. Cancellarius" and "S^{r} Robert Melvill," to the Clerk of Secret Council to delete the act of caution by Thomas M^{c}Clellane of Bomby for Edward Maxwell, fiar of Lamyngtoun, dated 11th June last (*ante*, p. 290), because the said Edward is at present outwith the bounds of the West Wardenry: Dunfermling. To delete an act of caution

10th Jan. 1588–89. 22. Imperfect copy of the Act of Taxation of £100,000 voted for the expenses of the King's marriage, ordaining that the £50,000 which should have been paid before Martinmas last shall be paid before Whitsunday 1589, and that the rest of the taxation be paid at the terms specified in the Act of 4th April (pp. 269 and 344). Taxation of £100,000.

15th Feb. 1588–89. 23. "An examynatyon taken of Thomas Pryngall the 15th Feb. 1588. —Being asked how long he hathe served in the Lowe Contryes, saythe he hathe served there the space of 12 yearis, iiij yeares under the States, and the rest of the yeares under the Duke of Parma. [See *ante*, p. 360, footnote, and Introd. p. xl.] Treasonable letters directed to the Duke of Parma intercepted in England.

Being asked whoe sent him owt of the Lowe Contreys into Scotland and for what purpose, saythe that he wath sent thither by Coronel Semple, with one Johne Chisome, with letters and money unto the Erle Huntley, to the end he myght bryng awntswer from the sayd Erll unto the said Coronel, and saythe that he arryved in Scotland abowt 6 weekes before Christmas.

Being asked of whom he receyved the two packettis of letters closed up in leather, awntswerethe that he receyved thame of M^{r} Robert Bruce, a Jesuiste, being dyrected by the Erle of Huntley to repayre to the sayd Robert Bruce for thame, and to carrye them into the Lowe Contryes to the sayd Coronell, and in his absence to delyver them to Cosmo the Duke of Parmas Secretarye.

Miscellaneous Papers.

Being asked how long he hathe known Robert Bruce, saythe that he hathe knowen him sythence Easter last, about what tyme the sayd exa[minee] repayred into Scotland with Coronell Semple, and by his meanes was made knowen unto the sayd Robert Bruse, att what tyme he then lodged withowt the Canigate in a howse of the Lord Seatons.

Being asked which of the noble men the sayd Coronell conversed withall at the tyme of his being in Scotland, he saythe he repayred to the Erles of Huntley, Crauford, Bothwell, and the Lord Claude, with whom he had sondrye conferences secreatly.

Being asked how the sayd Coronell eschaped owt of Scotland, saythe he escaped by the meanes of his mother, whoe conveyed a rowpe unto him, by the which he conveyed himselve owt of a wyndow, being lodged then in one Gurleys howse.

Being asked whether Bruce was present at the conference betwane the said Erle and the Coronell, saythe that he was dyvers tymes present at the said conferences.

Being asked where Bruce lodged the tyme he delyvered the letters unto him, saythe he lodged at the West Porte at the howse of one Jhou Lorye. FRA: WALSYNGHAM."—Indorsed: "An examination of Tho. Pringle, Scottishman, furth of England, 1588."

Act of Council continued.

24. Warrant, under the sign manual, and countersigned "J. M. Cancellarius," to Jhon Andro, Clerk of the Council, to "prorogat and continew" the Act of Council touching the subscribing of the "blank" between my Lord of Huntlye and the Laird of Largo to 20th May next: Haliruidhous. 31st March 1589.

Declaration of the Earl of Huntly in answer to interrogatories respecting the indictment against him for conspiracy and rebellion.[1]

25. "At Edinburgh, the xxii day of May 1589, in presence of my Lord Hamiltoun, my Lord of Newbottle, and the Clerk of Register George, Erle of Huntlie, inquirit, declaris that the occasioun of his lait trouble proceidit cheifly upoun advertizement maid to him that his slauchter wes laid for be meanys of my Lord Chancellair, and that he shew the same to the Kingis Majesties self, rydand on the fieldis, and declairit his authour, quha wes the Lard of Auchindoun, that same day that he raid ower from Edinburgh to Dunfermling; and that the Erll of Erroll spak him likuis, and desirit him gif he suld happin to be put at to assist him. In Dunfermling the Laird of Balquhane and young Baillie of Erroll come to him in effray, shawing how thair wes a conspiracy discovered, and that thair wes forceis cumand to tak him, and that the feildis wer fowill before: nochtwithstanding, he deliberat to ryde north, and, in St Johnstoun, hering that thair wes a man takin, refused to tak ony part thairin. Likeas he understude nathing of ony purpos takin afoirhand of the taking of the Maister of Glammis, bot the same happynit of meir accident to my Lordis knawledge, being riddin by the house, and yit wes ernestly desirit be his servand Captaine Ker to pas bak, sen otherwys it wald cost the Maister his lyff. Thairefter, being in the north, and hering that thair wes forceis to be send thair to owerrun thame all, thair wes 22nd May 1589.

[1] See *ante*, pp. 332 n., 360 n., 373, 399, 400 n.

purpose takin to mak defence aganis ony sic as suld cum, except the Kingis Majestie come in persoun, and in that cais to gif place unto his Hienes in that quhilk suld be his plesour. My Lord declaris that he had na speche with the Erll Bothuile, bot anys beside the Quenisfery, sen he past fra Edinburgh, quhair cheif talk wes upoun particularities betwix him and the Chancellair for decreittis that the Chancellair had lettin pas aganis him; denys that he is previe or of the counsell, or hes subscrivit ony general bandis, or enterit in ony purpos or practize aganis the Kingis Majesties persoun or the religioun sen he subscrivit to the same, or that he hes had ony foreyne intelligence or conference with the Jesuites, namely, Mr Edmond Hay, Mr Williame Creichtoun, or Robert Bruce, servand to the Bishop of Glasgu, sen that tyme, or that evir he hes ressavit ony maner of Spanish or foreyne gold to move him to assist or avance thair coursis and pretensis in this cuntrie sensyne. Quhatevir he knowis of ony matteris concerning particularities he will shaw the same to his Majesties self, quhen it sall pleas his Hienes to heir him, as it sall pleas his Majestie to inquire. HUNTLYE." Miscellaneous Papers.

June 1589. 26. Letters of horning, subscribed by John Andro, and dated at Edinburgh in June 1589, against Robine Ellott of Reidhench, Martine Ellott of Braidley, Sym Armestrang of Mangertoun, and Lancy Armestrang of Quhithanch, for not appearing before the King and his Council to answer touching the "weill and quieting of our Bordouris": Edinburgh. Indorsed "The letters of horning on the four principallis of Liddisdale." Letters of horning against four Liddesdale lairds.

Aug. 1589. 27. "Jacobus, Dei gratia Rex Scotorum, illustribus cumprimis et generosis Regni Daniæ Proregibus et Senatoribus multo dignissimis salutem et perpetuam felicitatem:—Illustres et generosi Domini, legatorum nostrorum inexpectatus ad nos reditus, utcunque ipsis pro mandatorum cancellis quibus ex ordinum nostrorum præscripto circumscripti erant non inofficiosus, nobis tamen re infecta multo fuisset ingratissimus, nisi ad ea quæ inter vos exagitata retulerunt vestram quoque erga singula mandatorum capita mentem fixamque voluntatem nobis posuissent ob oculos, certamque convenientibus in eam nobis spem addidissent affinitatis istius quæ nos tamdiu anxios sollicitosque habuit jam tandem compotes nos evasuros. Quod ut possimus quamprimum, eosdem amplissimis iisque liberrimis mandatis instructos ad vos remittimus, ex quibus cum quid momenti controversa ista apud nos obtineant quantumque una sceptri Danici affinitas cæteris omnibus apud nos præponderet intellexeritis. Non facile commissuras Serenitates Vestras speramus ut suavissimam vitæ fortunarumque consortem quam nobis ex omnibus Christiani orbis heroinis unam selegimus diutius desiderare possimus. De nobis vero mutuo sibi polliceantur M. V. nos summum istud cum nobis tum rationibus nostris beneficium omni quæ in nobis erit gratissimi et amantissimi animi significatione perpetuo excepturos. Cætera per Legatos. Interea D. op. m. M. V. rebus Danicis prudentia vestra moderandis quam diutissime faxit malumus. Datum Aberdoniæ Cal. Aug. anno salutis Letter from the King for the Danish Court.

Miscellaneous Papers.

humanæ 1589, regnique nostri vicesimo tertio."—Indorsed: "His Majesteis Letter sent with the Ambassadouris from Aberdene."

Copy of the Deed of Agreement between the Scottish ambassadors and the Danish Government anent the Orkney Isles.

28. Nos, GEORGIUS KEITH, comes et Regni Scotiæ marescallus, hereditarius dominus in Keith et Altriæ, liber baro de Innerrugii, Adan, etc., vicecomes provinciæ de Mernis, et in boreali regni Scotiæ plaga locumtenens, ANDREAS KEITH, dominus et liber baro de Dignaualle, eques auratus Regnique Scotiæ colonellus generalis, JACOBUS SCRYMGERUS, liber baro de Dudop, connestabulus Taodunaṇus ac Regni Scotiæ vexillifer hereditarius, JOANNES SKYNÆUS, jurisconsultus et supremi serenissimi Scotorum Regis Senatus advocatus, et GEORGIUS JUNIUS, archidiaconus Sancti Andreæ et Scotorum Regi a secretioribus consiliis, serenissimi principis et domini nostri clementissimi JACOBI SEXTI, Scotorum Regis, ad serenissimam principem SOPHIAM, Daniæ, Norwagiæ, etc., reginam viduam, etc., serenissimum principem CRISTIANUM QUARTUM, Daniæ, Norwagiæ, etc., electum regem, et illustres cum primis ac generosos dominos NICOLAUM KAAS, cancellarium, heredem in Tarup, PETRUM MÜNCK, admirallum, heredem in Estnadgaard, GEORGIUM ROSENKRANZ, heredem in Rosenholm, CHRISTOPHOPUM WALOKENDORF, heredem in Glorup, pro matrimonio inter præfatum principem et dominum nostrum ac illustrissimam et lectissimam cum primis principem et heroinam dominam ANNAM, prefatæ serenissimæ reginæ viduæ filiam natu secundam, ineundo et contrahendo, legati, ambassiatores, commissarii, oratores, et nuncii generales et speciales. Cunctis quorum interest aut interesse poterit mortalibus notum testatumque facimus quod in principio tractatus matrimonialis inter serenissimum Scotorum Regem, dominum JACOBUM SEXTUM, dominum nostrum clementissimum, et serenissimam principem dominam ANNAM, natam e regia domo Danica, illustres et generosi proreges prefati nos monuerunt quemadmodum, ante complures annos, serenissimus Rex Daniæ, etc., CRISTIANUS TERTIUS, Insulas Orcades tanquam Scotiæ regno oppignoratas jure relinctionis seu repignorationis repetierit, eamque postulationem toto vitæ suæ spatio diversis temporibus continuaverit quæ; res tamen, propter assiduas bellicas occupationes et reginæ minorennitatis injectam excusationem, ac Galliarum regis et regni Scotiæ tutorum et procerum intercessiones et instantes petitiones, in aliud tempus magis oportunum tunc fuerit dilata; idipsum quoque serenissimus rex FREDERICUS SECUNDUS, dicti regis Cristiani filius, tum in ipso sui regni initio, tum maxime ante quadriennium, per legatos a serenissimo rege ac domino nostro clementissimo JACOBO SEXTO serio et amanter contenderit; qui proxime sequenti anno se hoc nomine legatos suos ad dictum serenissimum regem Fridericum missurum promiserit; rursus vero, propter varia impedimenta, ea tractatione dilata, interea dictus serenissimus Rex Fridericus e mortali hac vita in cœlestem sit evocatus. Post cujus obitum missa jam altera a serenissimo rege ac domino nostro clementissimo legatione ad dictam serenissimam Reginam viduam, serenissimum item CRISTIANUM QUARTUM, electum Daniæ regem, etc., et dictos illustres et generosos dominos, regni Daniæ proreges et senatores, pro jam dicto matrimonio

20th Aug. 1589.

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contrahendo, in ipso tractatus limine, ac priusquam ad alia legationis capita fieret progressus, supradicti illustres domini proreges instantissime petierunt et urserunt ut negotii istius Orcadici primum omnium tractatio susciperetur ac ex æquo et bono finiretur. Post multos itaque ea de re utro citroque sermones habitos, cum illustres domini proreges indicarent et evidenter nobis demonstrarent sibi, minorenne adhuc serenissimo et potentissimo principe domino CHRISTIANO QUARTO, Daniæ, Noruagiæ, etc., electo rege, etc., domino suo clementissimo, nulla ratione quicquam de Orcadibus constituere licere, tandem utrinque actum, transactum ac concordatum est ut durante dicti serenissimi regis minorennitate hæc disceptatio suspendatur, deinde vero hanc tractationem seu postulationem utrique regiæ majestati liberam permansuram, neque hanc moram alterutri partium ullum prejudicium allaturam; interim quoque serenissimum Scotiæ regem dominum nostrum clementissimum in quieta possessione relinquendum esse: subjicientibus illustribus dominis proregibus serenissimum regem CHRISTIANUM, dominum suum clementissimum, ad instantiam serenissimi JACOBI SEXTI, regis nostri gratiosissimi, ita se tum declaraturum et re ipsa gesturum quemadmodum erga tot tantosque consanguinitatis, fraternitatis, affinitatis, vicinitatis nominibus, pactorum insuper et fœderum jure ac religione, conjunctissimum principem decet. Ad quam rem dicti illustres domini proreges omnem quoque suam operam serenissimo regi nostro ac domino officiosissime sunt polliciti,—ita tamen ea conditione ne hæc suspensio seu moræ indulgentia juri quod Daniæ et Norwagiæ reges in dictas Orcades Insulas pretendunt ulla ratione præjudicare vel possit vel debeat, sed utrique parti jura sua sarta tectaque et illæsa, non minus ac si hæc suspensio nunquam intervenisset, conserventur. Cumque dicti illustres et generosi domini proreges et senatores hæc ita acta, gesta, et tractata esse scriptum testimonium, manu et sigillis nostris communitum, a nobis sibi exhibitum in futuram rei memoriam amanter petierint, nos eorum desiderio ac voluntati, vice ac nomine serenissimi Regis JACOBI SEXTI, domini nostri clementissimi, vigore mandatorum et commissionis nostræ, omnia ea gratanter acceptavimus, iisque merito acquiescentes, in premissorum certiorem fidem, manuum nostrarum subscriptione signatis sigilla nostra appendi curavimus. Helsingoræ, die vicesimo mensis Augusti anno Domini millesimo quingentesimo octuagesimo nono."—Indorsed: "Copy of the testimoniale gevin be his Hienes ambassadouris to the Regentis of Denmark anent Orknay."

3rd Sept. 1589.

Order against deleting an act of caution.

29. Warrant, under the sign manual, to Johnne Andro, to delete no act of lawburrows found by Thomas Kirkpatrik of Closburne to Johnne Kirkpatrik of Dressetland, and Roger Kirkpatrik, his brother, notwithstanding any charges to the contrary (*ante*, pp. 383, 408): Faulkland. Indorsed: "George Douglas of Bonjedburgh, Wat of Bedrule."

9th Oct. 1589.

Charge to the Clerk of Council.

30. Warrant, under the sign manual, to the Clerk of Register to take caution of Sir Williame Lauder of Haltoun, and James Lauder, his son, on the one part, and Mr James Borthuik of Lochhill, on the other part, that they shall answer before the Council when required for the

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"novatioun, convocatioun, oppressioun or violence" committed against each other in the wrongous leading of the corns of Tempillands of Over Gogar and Adestoun, and in the meantime that they shall "contene thame selffis in quietnes (*ante*, pp. 420, 490)": Craigmillar.—Indorsed: "Johne Traill, fear of Blabo, and Robert Betoun, fear of Balfour, souirteis for Mr James Borthuik to the ellevint day of November nixt under the pane of ii^{m} lib. according to this ordinance."

To delete an act of caution.

31. Warrant, under the sign manual, and countersigned "J. M. Cancellarius," to Johnne Andro, to delete the act of caution in 20,000 merks by Robert Gourla, burgess of Edinburgh, for Uthred M^{c}Kdowell of Garthland, Uthred M^{c}kdowell, his son and apparent heir, and Andro M^{c}kdowell, his brother, for the indemnity of Sir Johnne Gordoun of Lochinvar and Alexander Gordoun of Barskeoch till 12th August last (*ante*, p. 430): Edinburgh. 11th Oct. 1589.

Causes of the failure of the King's service in the North, and remedies proposed.

32. "The causes that hes maid his Majesties service to succeid evill in the Northland, and remedie thairof in my opinioun:—[*see* Introd. p. xlii.] Inprimis, the barronis of the cuntrey (the Erle of Angus and Maister of Forbes onlie exceptit) hes nocht assistit the compositionis, bot refusit to furneis assysouris that knew and culd fyill the criminallis. Secundlie, the criminallis, understanding thair lyif to be in na danger (speciallie for the Brig of Dee), considerit the cuntrey men that knew thame to ly by, tuik hardiment to inter on pannell, thinking they mycht be clengit alsweill as fylit, and being clengeit they wer fre, and fylit, it suld onlye stand on compositioun. Thirdlie, the letters of grace privatlie grantit to the principallis of the offendaris hes nocht a lytill hinderit his Majesties proffeit. Ferdlie, continewationis of certane personis frome day to day hes prolongit the maitter, and maid it in a maner fruitles, sa that in effect na man hes been presentit to pannell bot puir anes that lest deservit punishment, and that wer lest habill to pay, to the regret of the Erle Angus, the Justice Clerk, and Sir Robert Melvill, quha principallie hes had the burding in this matter.—The remedis:—The cheif and onlie remeid is his Majesties awin presence for sum few dayes to countenance justice, without quhilk, except their wer a force of men of warre, justice salbe bot mokkitt, and his Majestie sall returne wyth na proffeit, and the cuntrey left in griter disordour nor it wes of befoir. The Barronis wald be reprovit for thair slaknes, quha, fering to offend a Erle of Huntley, hes forget their dewitie to thair naturale Prince, efter they have for the maist pairt ather bein pairtakeris with the said Erle in his errour, or at least newtraillis and absentis from his Majesties service. The Barronis wald be put upoun the assysis of all that are continewit, or at least causit to fynd out sufficient men that sall do his Majesties erand without feid or favour. All letters purchessit for ony prevat mannis benefite to the hinder of his Majesties proffeit wald be dischargit bayth be Act of Counsale and oppin proclamatioun, and command gevin to the juges, justice-clerk and assysouris, to admit na sic letters, in respect they ar usit contrary his Majesties meaning, quhilk wes to save thair lyves and landis, and nocht to absolve thame fra pecuniale panis. (?) 1589.

It may be also alledgit that their privat letters of grace ar nocht ordourlie passit be way of respect or remissioun, quhilk is the onlie ordiner way for capitale crymes, and sa ar to be countit prevat and surreptitious." Miscellaneous Papers.

Peebles, 1st Dec. 1589.

33. *Sederunt*—Hammiltoun; Maxwell; Hume; Somervill; Weddirburn; Skirling; Cranstoun; Closburne; Alexander Hume de Snuke; Willelmus Stewart de Caverstoun; J. Stewart de Shillinglaw.

Minutes of a meeting of Lord Hamilton, as governor on the Marches during the King's absence in Denmark, with Lord Maxwell and other Border lords and lairds.

"Efter that my Lord Lieutennant had maid a litle discours of the caussis of the present conventioun of the baronis, his Lordship first of all cravit that ane commoun assuirance mycht be subscrivit: quhairunto it wes answerit that thay quha wer present and wer undir feid had alreddy subscrivit particulair assuirances, quhilk wes sufficient, and the subscriptioun of ony new assuirance wes unnecessair, and to move personis to subscryve assuirance quha wer not undir feid, it wes thocht to be superfluus: quhairupoun the subscriptioun of the commoun assuirance wes delayed. Thairefter, his Lordship having declairit and caus reid the Counsillis letter to the Quene of England, and hir Majesties answer thairunto, desiring the noblemen and baronis present to giff thair advise how his Lordship and the Wardanis suld proceid forder thairanent, it was ansuerit that thay allowit weill of the procedingis of the Counsale with the Quene of England in that behalf, desiring thair Lordships to insist in craving fra the Quene of England ane supersedere of suteing of redres for biganes unto his Majesteis returning. Thirdlie, the Lieutennent having particularlie inquirit of the principall disorduris and troublis within the boundis of the Bordouris, it wes answerit be my Lord Maxwell that he knew of na enormiteis committit within the West Wardanrie sen his Majesteis depairting, except the ressett gevin to the Laird of Westerhall, and promittit to be answerable for all attemptatis committit within that Wardanrie fra his Hienes depairture to this present first of December. It wes alswa declairit be my Lord Maxwell that the Laird of Johnnestoun, without ony sufficient commissioun, held courtis of justiciarie within the stewartree of Annanderdale,—quhilk he allegeit to prejuge him in his heritabill office of stewartree. My Lord Hume likuise promittit to be ansuerable for all attemptatis committit within the Eist Wardanrie sen his Majesteis depairtur to this day. The like promeis maid be Cesfurde for the Middle Marche. Ferdlie, my Lord Lieutennent haveing desirit the speciall names of parteis amangis quhome deidlie feid standis, that they micht be chargeit to gif and tak assuirance, answerit be the Lord Maxwell that he knew na feidis within his Wardanrie, except the feid betuix the Lord Sanquhar, Drumlangrig, and Amisfeild, on the ane part, and the Laird of Couhill on the other part, and the feid betuix the Laird of Garthland and Gordoun of ,—quhilkis personis wer alreddy assuirit. Fyftlie, my Lord Lieutennent haveing declairit the forme how his Lordship intendit to proceid in halding of the justice courtis, and that he wald move the landislordis, baillies and chiftanis of clannis to find inlandis men souerteis for releiff of the King

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and Wardane and to mak thair men answerable according to justice, it wes thocht meit be the noblemen and baronis present that my Lord Lieutennent suld appoint and direct ane sufficient depute to the West Marche, quhair he suld be assisted be the Lord Maxwell, and, gif materis of consequence happynnit quhair his Lordshipis presence wes requisite, that his Lordship, upoun advertisment of his depute, mycht do thairin as he thocht expedient; but, as for the finding of souirtie, it wes ansuerit be my Lord Maxwell that he had alreddy found souirtie undir the pane of ane hundred thousand pundis actit in the buikis of Secreit Counsaill, and could nocht be astricted to the finding of new souirtie, and gif that souirtie wer dischargeit he wes content to find cautioun and souirtie according as the remanent noblemen and baronis within the wardanreis dois; and gave the lik ansuer being desirit to subscryve ane band conforme to the Erll Bothuillis. Sextlie, the Lord Lieutennent haveing declairit how at the first courtis he wald ressave in the Kingis will sic as grantit thair offenssis, fand souirtie to satisfie parteis skaythit, and to abstene in tyme cuming, the noblemen and baronis findis that my Lord Lieutennent may do hereanent, be extending of mercy or using of rigour, as he sall think maist expedient. My Lord Maxwell gave in ane tickett of the personis quha ar presentlie lyand plegeis for sic as he makis answerable within the West Wardanrie; quhilk ticket is extant to shaw; and, being desirit to caus the principall personis for quhome the plegeis lyis find souirtie that the plegeis suld keip trew warde and not eschaip, it wes answerit that the personis to quhais custodie they ar committit suld keip thame, as they wilbe answerable to the Kingis Majestie and his Counsail. James Stewart of Shillinglaw, being inquirit upoun the estate of the plegeis of Liddisdale, declairis that he can shaw na thing thairanent. The Lord Maxwell being desirit to condiscend in speciall upoun the the personis quhome he comprehendis undir his assuirance, and it being shawne unto him that it is not honnourable for his Hienes that ony assuirance procurit be him or his Counsale suld extend in the favour of thame that remanis contempnandlie at the horne for odious crymes, it wes answerit be the Lord Maxwell that the assuirance already subscrivit be him is a sufficient satisfactioun of my Lord Lieutennentis propositioun in that behalff, seing they quha ar at the horne ar not capable of the benefites of free subjectis. And last, the Act quhairby personis sustening skaith suld sute redres being red, it wes be commoun consent thocht necessair and meit, providing that, as alteratioun suld be usit anent thair cuming to my Lord Lieutennent, swa the place mycht likwise be alterit, seing be that Act it is ordanit that they sall compeir in the tolbuith of Edinburgh. The lordis and baronis findis it meit that Robert Maxwell of Castelmilk be constitute baillie of the Debetable Landis. The Lord Maxwell desiris that ane ordinarie garisoun of men of weir to the nowmer of xxv personis may be interteneyid upoun the Bordouris for the better observatioun of his Majesteis peace."—Indorsed: "Answer to the articles gevin in be my Lord of Register."

34. "In presence of the Lordis and utheris of the Kingis Majesteis

Miscellaneous Papers. Examination of a Spanish ship-captain as to his business in Scotland and the intentions of the King of Spain in his correspondence with Scotland.

Edinburgh, 31st Jan. 1589–90. Previe Counsall, Juan Alvarez de Terida, Spanyeart, capitane of the Spanishe barque quhilk arrived at the Ile of Quhitherne upoun the fyft day of Januar instant, being re-examinat, confessis and declaris that in his cuming towards Edinburgh he shew and grantit to Johnne, Lord Hamiltoun (that be aventur re-incounterit him on the way), in the audience of M^r^ Archibald Makclellane, servand to the Lord Maxwell,—quhilkis baith wer present and confrontit with the said Spanish capitane,—that his chief erand in this realme wes to try and exploir the noblemen and otheris in this cuntrie maist affectit to the freindship and cours of the King of Spane, his maister, and that he knawis, gif the King his maister beis requirit be thame heir, he will grant unto thame all plesour and guidwill, with gold, silver, armour, and all thing ellis that may mak thame able. How that, upoun occasioun of the King of Spanis dolour for the disastre and losse that his forceis ressavit the uther yeir be England, his haill nobilitie and States repairit to him, beseking him to be of gude confort, and offering to further him to a revenge,—not onlie to hazard and bestow thair awin lyffis, bot to furnis him ten million of gold to the rasing and first outred of his army; and that his Majestie thairupoun wes resolvit to mak his army mair strang nor had bene seene at ony time afoir, and to have in it fifty galleyes, and Andrea Dauria to be generall of his forces, twenty galeonis, v^c^ shippis mair and les, with twenty greit shippis ladin onlie with pulder, bullett, armour, and artalliery; and that the said army, quhilk is very greit, at the leist a greit pairt thairof, wil be reddy agane May nixt. And, becaus England is knawn to be sa weill fortifiit on the sey coistes, that the King of Spanis intentioun is to haif his army landand in Scotland, sa fer as this Capitane knawis, gif it may be with the guidwill of the King of Scotland and consent of his Counsell, utherwys not. Gif thair wes ony directioun to deal with ony speciall personis in Scotland, the same wes knawin to the pylot and not to this deponent."—Indorsed: "The examinatioun of Johne de Terida, capitane of the Spanish ship, befoir the Counsale, upoun the pennult day of Januar 1589."

Further examination of the Spanish ship-captain and of the Scottish pilot of his ship.[1]

Edinburgh, 3rd Feb. 1589–90. 35. "James Colvile, pylot of the Spanish schip quhilk arrived at the Ile of Quhithren, re-examinat in presence of the Lordis of Secrete commissioun or warrand, and only of himself.

"Quhat wes the contentis of his uther letter writtin with the suldert that drownit? Upoun the hering of the incuming of Englishmen, he offerit himself with his company to assist my Lord.

"Quhat menys he be thay wordis 'al servicio de Dios,' and quhat wes he trait or trafficque in that poynt? He wrait thai wordis bot on suddantie and on ignorance, and according to the fassioun of thair cuntrie, that in all commoun purposes preferris that phrase of 'servicio de Dios."

"Quhat proffite meanyt he of this kingdome, the quhilk, as he wes informit, had neade of succours from his Majestie? This

[1] This and the next paper are accompanied by the following jottings (36^a^) of the heads of this examination and the judgment of the Council:—

"The Irishman: My Lord Maxwellis letter: Gods service: the letter of support,—quhether be warrand or not: his conference with my Lord Hamyltoun: the directioun at the Mai: quarto Februarii 1589, findis that the Spanyeartis hes offendit on the poyntis of the band."

Also by what appears to be the original minute of the examination:—

"Inquirit upon the wordis of his letter written to the Lord Maxwell: quhether he wrait the same be warrand and instructioun, or of himself? Answeris, without

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Counsale, confessis that the motioun of the directing of the Spanishe bark toward Scotland proceidit first of him, upoun the necessitie quhilk he saw they had of pylottis in Spane, and offer maid to him to get pylattis to hyre in Scotland. Item: Confessis that, quhen he saillit this same bark fra the Maii to Orknay and throw the Ilis of Scotland this last somer, thay wer alsua in Lochryane; and, inquirit how lang thay remanyt thair, sais bot ane day.—Johnne de Terida, capitane of the Spanishe schip quhilk arrived at the Ile of Quhithorne, re-examinat in presence of the Lordis of Secrete Counsale upoun the wordes of his letter writtin to the Lord Maxwell, and quhether he wrait the same be warrand and commissioun or of himself, answeris that he wrait the same without ony warrand or commissioun, and only of himself. Inquirit quhat wes the contentis of his first letter writtin to the said Lord Maxwell and send with the suldert that drownit, sais that, upoun the hering of the incuming of Englishmen in Scotland and report that the said Lord Maxwell wes a nobleman weill affectit to Spane, this deponer wrait and offerit himself to pass with his cumpany and assist the said Lord. Inquirit quhat he meanyt be they wordes in his secund letter writtin to the said Lord Maxwell, desirand to meit with him and treate or trafficque on thingis pertening to the service of God, sais that he wrait thai wordis bot on suddantie and ignorance, and according to the usuall speche in thair cuntrie, that in all commoun purposes preferris that phrase "al servicio de Dios." Inquirit quhat purpos meanyt he to meit with the said Lord Maxwell for pertening to this kingdome, the quhilk as he wes informit had neid of succours from the King of Spane, his maister, sais that this informatioun wes onlie be brute of the cuntrie fellus that come about his schip, and the same speche wes interpreit to him be the pylat Colven and Richarde the Irisheman; and all this he affermis to have bene writtin be him of himself and without ony instructioun or warrand, and that he wes assurit, gif it wer knawin to the King of Spane, his maister, that he had sa writtin, the King wald caus hing him thairfoir. Inquirit upoun that part of his former depositioun concerning the consorte that wes betuix the Lord Hammiltoun and him, how his cheif erand in this realme wes to try and exploir the noblemen and utheris in this cuntrie maist affectit to the freindschip and cours of the King of Spane, his maistir, confessis that he, being cum in this cuntrie, said he wald not be idle, bot inquire and exploir quha professit best freindship to the King, his maister,—sindry of the suldertis that returnit out of Scotland in Spayne making report of thair gude intertenyment heir. Inquirit upoun the materis necessair quhairanent he and Colvile the pylat wer directit to haf treatit at his arrivall in Maii, declaris as afoir that he had for himself, bot, gif ony directioun wes to deale with speciall personis in Scotland, the same wes knawin to the pylott and not him."

informatioun wes be brute, and the same brute interpreit be the pylat Colven and Richard the Irishman.

"Inquirit tuiching his conference with my Lord Hamilton, grantis; sayis that he, being cum in this cuntrie, said that he wald not be idle, bot inquire and exploir quha professit best friendship to the King his maister, sindry of the suldertis that returnit in Spayne making report of thair gude intertenyment."

Edinburgh, 4th Feb. 1589–90.

Miscellaneous Papers. Decision of th Privy Council that the Spanish ship-captain and his Scottish pilot have beer guilty of illega practices: with orders accordingly.

36. "Forsamekle as John de Mereda, capitane of ane Spanishe bark arrivit in the Ile of Quhitherne, and James Colvile, Scottisheman, pylott thairof, being chargeit to pas before the Counsell of Scotland be Walter, Commendatare of Blantyre, keiper of the previe seill, Sir Patrik Wans of Barnbarach, knycht, Alexander Stewart of Garlies, commissionaris specialie directit, to be examinat gif they come in Scotland to do or attempt onything contrair or in prejudice of the Kingis Majestie, our Soverane Lord, his liegis and realme, or to subvert the religioun and forme thairof usit within this same realme, or not, Uthrid M°Dowell of Garthland become oblist to caus rander and deliver agane the foirsaidis Johnne de Merida and James Colvile, saulf, harmles, and skaithles in thair bodyes, they being found innocent of the saidis speciall heades, that thai come not nor hes not attemptit ony thing contrair the Kingis Majestie, his lieges, realme, and religioun, befoir the tent day of Februar instant; and now, the saidis Johnne de Mereda and James Colvile having bene divers tymes inquirit and examinat in presence of the Lordis of Previe Counsale, and be thame, it is found be the saidis Lordis that the saidis Spanishe Capitane and James Colvile ar not innocent, but gilty of doing and attempting of thingis contrair and in prejudice of our said Soverane Lord, his liegis and realme, and for subversion of the said religioun,—specialie in so fer as thai ar cumit in this realme armed with a schip of weir, refusing to rander thameselffis to triall without conditioun, and making fortificatioun within this his realme, without letters or commendatioun to our Soverane Lord or his Counsale, or warrand obtenit of thame, and hes grantit and shewin instructionis to have bene directit to trait with certane his Hienes privat subjectis in materis importing suspicioun and perrell, and to make presentis to thame, as alsua to conduce and hyer certane his Majesteis subjectis to serve as pylattis without knawlege or licence socht and obtenit of his Hienes or his Counsell; and siclike in sa fer as the said Capitane wrait frome Quhitherne to the Lord Maxwell several letters, desiring to meitt and trait of thingis quhilk pertenis to Godis service and proffite of this kingdome, pretending to be informed that it had neid of succours fra the King of Spane, affirming that he will gif the same with guid will: quhilk the said Capitane affermis to have bene writtin be himself and without ony informatioun or warrand, and that he wes assurit, gif it wes knawin to the King of Spaine that the said Capitaine had sa writtin, the King his maister wald caus hing him thairfoir. Quhilk treating for thingis pertening to Godis service, respecting fra quhome and to quhome the same wes written, with the circumstances of thingis past and present apparent danger, mon infer necessarly the thingis writtin to have bene intendit aganis the religioun professit in this realme, and consequently contrair and in prejudice of the Kingis Majesteis estait professing the said religioun; like as nathing can be mair prejudiciall to the same his Hienes estait, his realme and liegis professing the said religioun, nor to treate of the drawing of succours or foreyn forceis in this realme, without the knawlege or warrand of his Majesteis self. And that thairfoir the saidis Spanishe Capitane and James

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Colvile ar in his Hienes will and mercy, and salbe detenit and suirly keipit be Francis, Erle Bothile, Lord Halis, Creychtoun and Liddisdall, greit admirall of this realme, unto his Majesteis returning in this realme, or that his awin will and speciall directioun be reportit thairanent. And that the said Lord Admirall sall caus arrest the said ship with the ordinance and geir being in hir, [and that the said] ordinance and geir being in hir be deliverit in the handis and custody of the said Lord Admirall as sequestrat, to be furthcumand to all havand richt and interesse thairto as law will. And that he alsua direct the remanent personis quhilkis arrived in the said schip to remane and be intertenyt as he sall appoint and think expedient, to the knawlege of his further will and plesure, as he will answer to his Majestie thairupoun. Attour, the saidis Lordis of Secrete Counsale findis and declaris that the said Uchtride M^{c}Dowell of Innerdork is fred, relevit and dischargeit of the said band and obligatioun maid and subscrivit be him; and the saidis commissionaris likuise fred, relevit and dischargeit of all band and obligatioun maid be thame to him for his releif; and that thai have done and performit the charge and commissioun gevin unto thame dewlie and sufficiently in all respectis: dischargeing and exonering thame of the same for evir, in respect that the saidis Spanishe Capitane and James Colvil, be examinatioun and inquisitioun, ar not found innocent,—upoun quhilk condition the said obligatioun wes grantit,—bot gilty in the poyntes and heades befoir expressit: providing that the procedingis of the saidis commissioneris at this tyme, be vertew of the said commissioun, sall na wyse be prejudiciall to my Lord Admirallis office of admirallitie in tyme cuming."

Propositions relating to the Kirk.[1]

37. "That all lawis and constitutionis that hes bene maid in Parliamentis for the weill of the trew Kirk be decernit be Act of Counsall to be put to executioun. That the jurisdictioun of the Kirk, the generall and synodall assembleis, presbitereis and discipline presentlie in use, be allowit and authorizit be Act of Counsall and Conventioun, gif ony sal happin to be, to a Parliament. That na constitutioun nor Act in the contraire have effect nor executioun. That all papistis, jesuittis, seminarie preistis and excommunicat personis, be chargeit to compeir befoir his Majestie and Counsall, and ordour takin with thame according to the Actis alreddy maid thairanent, and that thay be chargeit be oppin proclamatioun at the marcat croces of the heid burrowis of the schyris quhair thay dwell, or usis to repair and mak residence, becaus thay have na knawin certane dwellingis. That all beyond Forth be callit to the first of September nixt, and the thesaurare to answer for the executioun of the letters. That all besouth Forth be [callit] to the same day, and Sir Robert Melvile to caus execute letters aganis thame. That the lawis alreddy maid for abusing of the Sacramentis be put to executioun. That sic as ayther stoppis designatioun of mansis and glebis, or being designit sall mak impediment to the minister in brouking of the samin, be callit and convenit befoir the Counsall and compellit to find cautioun, and sic as dis- Edinburgh, 11th Aug. 1590.

[1] See Introd. p. lviii.

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sobeyis be denunceit and thairefter persewit be his Hienes directioun as rebellis and dissobedientis. That the lawis and actis alreddy maid for breking of the Sabaoth be put to executioun, and the contravenaris callit befoir the Counsall and ordour tane with thame, ayther be finding of caution that they sall abstene in tyme cuming, or warding of thair personis quhill the same cautioun be fund. That sic as troublis ministeris in going to kirkis, and in executioun of thair offices, be alsua callit befoir the Counsall, and ordour takin with thame. That the names of sic as wer at the Brig of Dee be gevin to the ministeris, to the effect thay may tak ordour with thame as appertenis. That every kirk be sufficientlie plantit with ministeris, techearis and utheris officeberaris, and sufficient stipendis appointit to thame for serving of thair cuiris."

10th Feb. 1590–91. 38. Warrant, under the sign manual, and countersigned "J. T. Cancellarius," to the Clerk of Council, to delete two Acts: one by Alexander Irvin of Drum for Lauchlan Macomtosche of Dunnauchlan that he should enter Williame M^{c}Intosche, his son, as pledge for good rule to be kept by the said Lauchlan and his friends; and the other by the said Alexander and Sir Walter Ogilbe of Findlatour for Johnne Grant of Freuchy that he should enter Patrik Grant, his brother, in like manner as pledge (*ante*, p. 374): Haliruidhous.

Commission to the Earl of Huntly.

17th Feb. 1590–91. 39. Although William Grant, son of George Grant of Galbathie, Alestar Bowy, servitor to Johnne Grant of Fynes, Johnne Bowy, son of William Bowy, Thomas Grant, Paul's son, Thomas M^{c}Kerchane, Angus M^{c}Lachlane, Thomas Roy, Alestir Roy, his brother, and William Grant, son of M^{r} William Grant, had been denounced rebels and put to the horn at the instance of certain persons, for not appearing before the King and Lords of Secret Council to abide trial and underlie the laws "for certane crymes and oppressionis specifiet" in the commission formerly granted to George, Earl of Huntlie, yet they still continue in "thair former oppressionis, hairschipis, spuilyeis, depredationis, slauchtiris, and uthiris oppin and manifest crymes," and will not be stayed unless remedy be provided. Accordingly, there is now issued to the said Earl, under the signet, and countersigned "J. T. Cancellarius," a commission of justiciary to apprehend the said rebels wherever they may be found, and to "put and hald thame in suir firmance and captivitie ay and quhill justice be ministrat upoun thame."—"Haliruidhous: producta et registrata in libro registri vicecomitatus de Abirdene" 27th February 1590: A. Frasser.—Indorsed: "Commissioun on brocken men."

To delete an act of caution

10th Dec. 1591. 40. Warrant, under the sign manual, to the Clerk of Council, to delete the act of caution by Alexander Maxwell of Balgredane for Johnne Maxwell of Gararie to answer upon 19th February to the complaint of Malcome Fleming of Little Ares (*ante*, p. 441): Haliruidhous.

To delete an act of caution

16th Dec. 1591. 41. Warrant, under the sign manual, to Johnne Andro, to delete the name of Johnne Birsbane of Bischoptoun furth of all letters or rolls for answering before the Privy Council "upoun sic deidlie feidis as he hes interesse in": Haliruidhous.

Miscellaneous Papers. Charge to the Clerk of Council.

42. His Majesty having disponed to his servitors, Johnne and Williame Steuartis, the escheat and liferent of James Hall of Foulbar, and Mr Williame Hall, his brother, there is now a warrant, under the sign manual, to the Clerk of Council, inhibiting him to present any bill in Council tending to the prejudice of the said donators anent this gift "quhill we be personalie present," and to suffer no Act to pass till they be warned and heard: Edinburgh. Feb. 1st 1591–92.

Warrant by the Chancellor to the Clerk-Register to subscribe a letter.

43. "My Lord of Register: Ye may subscryve thir beareris testimoniall as Clerk of Counsall, seing baith the content thairof is verifeit to his Majestie be the provest and bailyeis of this burgh, and that it specifeis the Counsalis concurrence to the testifeing of the treuth thairof: quhairanent this salbe to you a sufficient warrand."—Subscribed "J. T. CANCELLARIUS," followed by "De mandato Consilii Secretioris Regni Scotiæ."—Indorsed "Anent subscriptioun of Johnne M°Morenis letter, 1591." 1591.

Examination of the Commendator of Pittenweem as to his relations with the Earl Bothwell.

44. "In presence of my Lordis Chancellair, Thesaurair, Secretair, the Lard of Carmichaell, and Clerk of Register, Williame, Commendataire of Pettinweme, sworne and examinat, declaris that he spak with the Erll Bothuile in the Castell of Edinburgh befoir he brak his waird, bot for na matter of consequence,—for he wes playand at the cartis and thair speche wes onlie 'Gudene and God be with you.' Declaris that he knawis not that evir the Erll Bothuile wes in the hous of Corsfurde beside Petfirrane, nor ressavit na messaige fra him nor send nane to him, gif at ony tyme he wes thair, saulffing that quhilk his Majestie knew and wes previe of. The deponer hes hard na word or advertisment (that he wait of) fra the Erll Bothuile, nor send na word to him sen the attemptat in the Abbay, and hard na thing of the purpos thairof befoir the attempting of the same be advertisment, bot onlie be brute as all the rest of the cuntrie did, and knew not that it wes to be at the tyme quhen it wes attemptit. And, for the late cartell sett up in the Abbay to his defamatioun, declaris that he maid the Kingis Majestie previe to his ansuer, and deliverit copeis of his said ansuer to the ministeris of the Kirk and utheris that socht the same, to the nowmer of twenty, bot rememberis not to quhat special personis he deliverit the same,—alwayes he send nane of the saidis copys to the Erll Bothuile or ony in his cumpany, and Watt Hendersonis man write thame. Inquirit upoun the caus of his cuming to Falkland, declaris that on Monunday preceding the attemptat he mett with my Lord Duke of Lennox and Mr David Lindsay in the Tolbuith, conferrand about the mater of the factorie of the Archebischoprick of Sanctandrois, quhair the Duke appointed and namyt for him as commoners Mr Johnne Lindsay and Mr James Elphinstoun, and this deponer and Mr David Lindsay namyt for thame the Advocat and the young Laird of Quhittinghame. Declaris that he past to Falkland of his awin motive, and not desirit be the Duke of Lennox. Grantis that he spak with the Erllis of Angus and Erroll in the Erll of Angus ludgeing, bot had na secrete conference with thame in ony mater of estat,—only he spak 1st July 1592.

ernestly to the Erll of Angus and emplorit his favour in his turnis. Denys that he hes spoken with the Erll Bothuile or ony in his name sen he brak ward, and, gif ony apperance hes bene in the contrair, is content it be tryit; and knawis not gif ony come to Johnne Balfouris hous in Falkland and cryit 'Fy on the fals crownar' . . . , for the deponar wes absent and culd not heir ony sic thing. Grantis that he wes malcontentit that he culd find na outgait in his mater anent pament of the sowmes awand to him; quhilk [he] schew in sindry speichis to divers personis, bot nevir tending to ony evill toward the Kingis Majestie: Edinburgh." Miscellaneous Papers.

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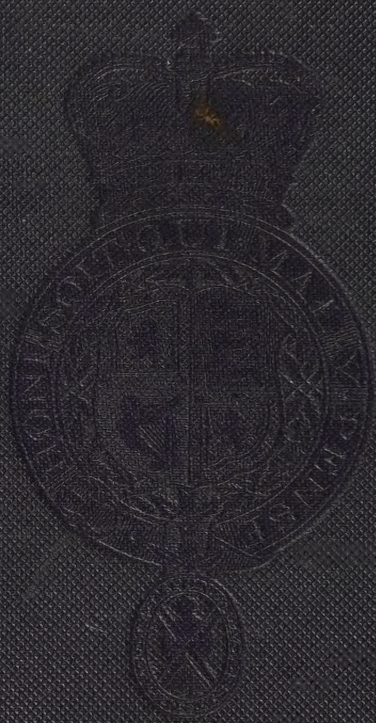
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